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Adjudicative Guidelines and Investigative Standards in the Department of Defense

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**Adjudicative Guidelines and Investigative
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14. ABSTRACT The Defense Personnel Security Research Center (SRC) conducted a study of the efficiency and effectiveness of Adjudicative Guidelines and Investigative Standards approved by the President in 1997. Results indicate that DoD has successfully implemented the Adjudicative Guidelines and Investigative Standards. On a summary measure the guidelines were rated as adequate. Those ranked highest in terms of their adequacy were: Financial Considerations, Criminal Conduct, Alcohol Consumption, and Drug Involvement. Those ranked lowest were: Foreign Preference, Emotional/Mental and Personality Disorders, Outside Activities, and Misuse of Information Technology Systems. A workshop attended by senior Adjudicators suggested there may be a high level of consistency when applying the guidelines to identical cases.							
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Preface

This study is an in-depth look within the Department of Defense at the implementation of the new Adjudicative Guidelines for determining clearance eligibility for access to classified information and at the extent to which the new Investigative Standards support these adjudicative decisions. This study has required the cooperation and support of numerous people in the Department. We want to expressly thank the Adjudicators, Administrative Judges, and Personnel Security Appeal Board members who responded to our survey and offered a community perspective that has been essential to the success of this project. We also want to thank the senior Adjudicators and Administrative Judge who participated in our workshop. Their willingness to adjudicate complex cases and to discuss openly all aspects of the new Adjudicative Guidelines provided a realistic, practical view of the application of the new Guidelines and Standards. Additionally, the workshop would not have been productive without the support of the Chiefs of the Central Adjudication Facilities who provided the case materials used in the sessions. These cases exemplify how complex and difficult the process of adjudication can be, and we have a great appreciation for their help. Finally, the support of the Director of Security and the Deputy Director, Personnel Security of the Office of the Assistant Secretary of Defense for Command, Control, Communication and Intelligence (OASD, C3I) was indispensable. We appreciate their guidance and assistance.

James A. Riedel
Director

Executive Summary

The President approved the Adjudication Guidelines and Investigative Standards to Executive Order 12968, *Access to Classified Information*, in 1997. These guidelines, which are more general and less prescriptive than earlier issuances, were implemented by the Department of Defense (DoD) in 1998. To determine the impact of the Guidelines and Standards on DoD personnel security practices, the Director of Security, Assistant Secretary of Defense for Command Control, Communication and Intelligence (ASD, C3I) tasked the Defense Security Research Center (SRC) to conduct a study of the efficiency and effectiveness of the Guidelines and Standards.

The tasking was accomplished through surveys, workshops, and focus group interviews of approximately 300 individuals responsible for applying the guidelines: Adjudicators, Administrative Judges, and members of Personnel Security Appeal Boards (PSAB). Additionally, a workshop was convened with 15 senior Adjudicators who adjudicated complex cases.

The results of this study indicate that DoD has successfully implemented the Adjudicative Guidelines and Investigative Standards. On the measures of efficiency the guidelines were rated as *clear* and *easy* to apply. On the measures of effectiveness the guidelines were rated as *adequate* in terms of coverage of security concerns, and the Investigative Standards were rated as providing to a *moderate extent* the information needed to apply the guidelines. A single overall measure of efficiency and effectiveness assessed the overall adequacy. While the guidelines as a whole were considered *adequate*, there were significant differences in the ratings of specific guidelines. Those ranked highest in terms of their adequacy were: Financial Considerations, Criminal Conduct, Alcohol Consumption, and Drug Involvement. Those ranked lowest were: Foreign Preference, Emotional/Mental and Personality Disorders, Outside Activities, and Misuse of Information Technology Systems.

Consistency ratings were generated from a workshop attended by senior Adjudicators who independently adjudicated 13 sanitized cases, one for each guideline. The cases were selected for their complexity to maximize the possibility of inconsistent decisions. Participants provided a recommendation to grant or deny eligibility in each case. Overall, there was 81% agreement among workshop participants on recommended eligibility determinations. A final determination was available for nine of the cases for which there was 62% agreement between workshop recommendations and the official decisions. These findings suggest there may be a high level of consistency among senior Adjudicators when applying the guidelines to identical cases; however, outcomes may differ when the circumstances of a case do not exactly fit the guidelines.

While the guidelines have the capability for consistent application, there are important issues which require attention. The most problematic guidelines for DoD adjudicative personnel are Foreign Preference, Outside Activities, Misuse of Information Technology Systems, and Emotional/Mental and Personality Disorders. Some guidelines contain terms which are unclear and difficult to apply. These undefined terms occur

throughout the guidelines and may have different meanings depending upon the guideline. Study participants identified these terms and provided feedback on other issues associated with each guideline.

The study findings suggest that the Department undertake the following efforts:

Recommendation 1: Revision of Selected Guidelines. Revisions are needed for the Foreign Preference, Outside Activities, Misuse of Information Technology Systems, and Emotional/Mental and Personality Disorders guidelines. It is recommended that DoD initiate workshops with members of the Security Policy Board, the adjudicative community, and subject matter experts to revise these guidelines and develop standard terminology. Also, investigative and adjudicative personnel should review the changes in the Adjudicative Guidelines and revise the instructions for implementing the Investigative Standards.

Recommendation 2: Adjudicative Community Review. The DoD adjudicative community would benefit from regularly scheduled sessions where members from across the community would discuss selected complex cases and how to apply the guidelines. This would assist the Department in developing implementing guidance for the guidelines and would provide a realistic training opportunity for those responsible for making adjudicative decisions. Therefore, it is recommended that DoD institute a periodic community review of selected complex cases with the output from this process disseminated to the adjudicative community.

Recommendation 3: Systematic Study of Adjudicative Consistency. Although the study found that the guidelines may be consistently applied by senior Adjudicators from different Central Adjudicative Facilities (CAF), it found that there may be differences in application of the guidelines at different levels of review. The scope of the study did not include review of this consistency of application of the guidelines across and within the CAFs, the Administrative Judges, and the PSABs. It is therefore recommended that DoD authorize a study to examine consistency across and within the Department. The results of this initiative would enable the DoD to provide further guidance in interpreting and applying the guidelines and would help identify areas where training is needed.

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Introduction

Tasking

When the Adjudication Guidelines and Investigative Standards to Executive Order 12968, *Access to Classified Information*, were approved by the President, the transmittal letter from the Assistant to the President for National Security Affairs required a “report on the effectiveness and efficiency of the Guidelines and Standards, compliance by departments and agencies with them and any adjustments needed.” (Appendix A contains the transmittal letter, the Adjudicative Guidelines, and the Investigative Standards.) In response to this requirement, the Director of Security, Assistant Secretary of Defense for Command, Control, Communication, and Intelligence (ASD,C3I) tasked the Defense Security Research Center (SRC) to conduct a study of the impact on the Department of Defense (DoD) of the implementation of the Guidelines and Standards. The following is a report of that study.

Adjudicative Guidelines and Investigative Standards

Executive Order 12968, *Access to Classified Information*, August 1995, sets the standard for eligibility for access to classified information. The Access Eligibility Standard declares:

Eligibility for access to classified information shall be granted only to employees who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information.

The Access Eligibility Standard is met through the application of Adjudicative Guidelines and Investigative Standards approved by the President in March 1997. The Department officially implemented the approved Guidelines and Standards in November 1998.

The Investigative Standard defines the sources and scope for (1) the investigation and reinvestigation standards for “L” access authorization¹ and for access to Confidential and Secret information, (2) the investigation standards for “Q” access authorization and for access to Top Secret and Sensitive Compartmented Information (SCI), and (3) the reinvestigation standard for “Q” access authorization and for access to Top Secret and SCI.

The Adjudication Guidelines provide procedures for assessing loyalty, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment. The

¹ “L” and “Q” access is for employees and contractors of the Department of Energy.

adjudication process is the careful weighing of a number of variables known as the whole-person concept that includes consideration of the following factors:

- The nature, extent, and seriousness of the conduct;
- the circumstances surrounding the conduct to include knowledgeable participation;
- the frequency and recency of the conduct;
- the individual's age and maturity at the time of the conduct;
- the voluntariness of participation;
- the presence or absence of rehabilitation and other pertinent behavioral changes;
- the motivation for the conduct;
- the potential for pressure, coercion, exploitation, or duress; and
- the likelihood of continuation or recurrence.

In addition to these general factors, there are 13 guidelines which address specific areas of an individual's background. Each guideline lists the reason the area is of concern to national security and provides disqualifying and mitigating factors. The areas which are evaluated in the context of the whole person are:

- Allegiance to the United States;
- Foreign Influence;
- Foreign Preference;
- Sexual Behavior;
- Personal Conduct;
- Financial Considerations;
- Alcohol Consumption;
- Drug Involvement;
- Emotional, Mental, and Personality Disorders;
- Criminal Conduct;
- Security Violations;
- Outside Activities; and
- Misuse of Information Technology Systems.

Scope of DoD Adjudicative Activity

The DoD performs more than 400,000 access eligibility actions per year. These actions include granting or continuing clearance eligibility for military personnel, civilian employees of the Department, and individuals in the private sector who are employed on DoD contracts. In 1998,² DoD issued 308,495 Top Secret, Secret, and Confidential³ clearances and 90,184 SCI access determinations. If significant disqualifying information is contained in a case, DoD does not grant or continue eligibility. In 1998, DoD made 17,833 unfavorable determinations. These actions included 890 denials and 1,818

² The most recent year that clearance data are available.

³ Top Secret, Secret, and Confidential clearances are collectively known as collateral clearance actions.

revocations for collateral clearances and 224 denials and 197 revocations for SCI access. A total of 14,703 adjudications were not completed due to loss of jurisdiction. These adjudications involve cases with disqualifying factors where the individual is no longer under the DoD personnel security authority.

Formal procedures for cases requiring denial or revocation differ for employees of the DoD and for employees of Defense industrial contractors. For military and civilian employees of DoD, the individual is issued a Statement of Reasons (SOR) to deny or revoke clearance eligibility and afforded an opportunity to reply in writing. If no reply is received, or the reply does not mitigate the disqualifying information, then clearance eligibility is denied or revoked. The individual then has an option to appeal these unfavorable determinations to the Personnel Security Appeal Board (PSAB) of the employing agency.

PSABs for the Army, Navy, Air Force, Defense Intelligence Agency (DIA), and National Security Agency (NSA) handle appeals for their respective agencies. The PSAB for the Washington Headquarters Service (WHS) handles appeals for the civilian employees of the Office of Secretary of Defense, all Defense Agencies, and Congressional staff with access to DoD classified information. The Appeal Boards consist of three voting members of minimum grade O-5/GS-14. One member is a security professional with the agency, the other two are in non-security occupations. At the subject's option the appeal process can involve either a written response to the PSAB or a personal appearance before a Defense Office of Hearing Appeals (DOHA) Administrative Judge. The Administrative Judge forwards to the PSAB a written recommendation as to the individual's eligibility, the rationale for this recommendation, and the transcript of the testimony received at the personal appearance. The PSAB may request and consider new information. It then considers all information and makes a final determination.

Defense industry employees for whom it is not clearly consistent with national security to grant or continue the clearance receive a SOR detailing the reasons why DOHA intends to deny or revoke the clearance and outlining the steps that must be taken to respond to the decision. The subject can elect to either respond in writing or request a hearing before an Administrative Judge. DOHA assigns contested cases to a member of its Department Counsel who prepares the case. When there is no hearing, Department Counsel compiles and submits all relevant documentation to an Administrative Judge. When there is a hearing, both sides have the opportunity to present witnesses and cross-examine those offered in opposition. Based on the entire hearing record including transcript and all documents, the Administrative Judge issues a clearance decision. Department Counsel or the applicant may appeal this decision to the DOHA Appeal Board.

For DOHA, the appeal goes to a three-judge Appeal Board which determines if (1) the Administrative Judge's findings of fact are supported by evidence, (2) the Administrative Judge adhered to procedures required by E.O. 10865 and Directive 5220.6, or (3) the Administrative Judge's rulings or conclusions are arbitrary, capricious,

or contrary to law. The Board reviews the case for legal or factual error but does not accept new evidence. The Appeal Board then affirms or reverses the Administrative Judge's decision or remands the case back to the Judge for further consideration. Decisions remanded back to the Administrative Judge will result in another Administrative Judge's decision which again is subjected to the review process described above.

Over the past four years, the PSABs on average have handled 290 cases per year. Approximately 65% of the cases have requested a personal appearance, but in recent years, this percentage has increased to 70%. In 75% of the cases, the PSAB ruled against the appellant and the clearance was denied or revoked.

In the DOHA cases, approximately 295 cases per year are heard by an Administrative Judge. In 70% of these cases, the Administrative Judge rules against the appellant, and the clearance is denied or revoked. Over the past four years, an average of 87 cases per year were appealed to the DOHA Appeal Board. In 92% of the cases, the appellant's clearance eligibility was denied or revoked.

Adjudicative Personnel

There are approximately 375 personnel who perform an adjudicative function in the DoD. This includes 280 personnel in the Security Specialist job series, 17 Administrative Judges, and approximately 50 members of PSABs. PSAB personnel include permanent and alternate voting members as well as nonvoting members such as general counsel and executive secretaries of the respective PSABs. There are also personnel who use the guidelines when considering access to Special Access Programs (SAPs), but the exact number of these personnel was not available for this study. All adjudicative personnel were surveyed for the current study.

The Present Study

The present study assesses the efficiency and effectiveness of the Adjudicative Guidelines and Investigative Standards through surveys, workshops, focus groups, and interviews with the individuals responsible for applying them: Adjudicators, Administrative Judges, and members of PSABs. The primary focus of the study is on the guidelines with secondary focus on the standards.

Methodology

The overall approach involved developing operational definitions of efficiency and effectiveness in terms of the Adjudicative Guidelines and Investigative Standards. A questionnaire was then constructed for use in surveying three separate populations who apply the guidelines: Adjudicators, Administrative Judges, and PSAB members. Also, a workshop of senior Adjudicators and focus groups with PSAB members were conducted to develop an indication of practical issues associated with applying the guidelines.

Operational Definitions of Efficiency and Effectiveness

In management science “effectiveness” generally refers to achieving goals and “efficiency” relates to resources expended to achieve goals. Since the goals of adjudication and investigation are different, the criteria for effectiveness and efficiency are different for the Adjudicative Guidelines and Investigative Standards.

The goal of adjudication is to make a determination that, given available information, granting an individual eligibility for access to classified information is consistent with the interests of national security. The guidelines are efficient if they allow the Adjudicator to make a determination without complication or difficulty. Efficiency is related to the ease of applying the guidelines which in turn is related to whether the guidelines provide clear and unambiguous guidance. The guidelines are effective if they adequately define the security concerns that are relevant to the interests of national security and if they are applied consistently.

The goal of investigation is to provide sufficient information to permit an informed adjudication. Investigative Standards are effective if they provide the information needed to apply the guidelines and efficient if the information is collected with a low expenditure of resources. Because the focus of this study was on adjudication and the information on which the guidelines are applied, measures of efficiency for the standards were not addressed.

Study Design

The study was carried out in three parts. In one part, a survey was administered to all DoD personnel responsible for determining eligibility for access to classified information. A second part consisted of a workshop attended by senior Adjudicators who adjudicated complex cases. Finally, focus group interviews were conducted with PSABs. The procedures for constructing the survey instrument and selecting cases for the workshop are described below.

Survey Instrument

A survey instrument was constructed and administered to all DoD personnel who make eligibility access determinations. The instrument collected demographic information about position and grade, agency, and amount of experience in applying the guidelines. For each Adjudicative Guideline, ratings were collected on the frequency of application, the effectiveness and efficiency of the guideline, and the effectiveness of the standards. Respondents were also asked to provide recommendations for improving each guideline. (A copy of the survey instrument is in Appendix B.)

The following questions were used to measure the efficiency and effectiveness of the Adjudicative Guidelines and the effectiveness of the Investigative Standards:

Adjudicative Guidelines

Efficiency:

- Rate the degree to which Guideline __ provides clear and unambiguous guidance for making adjudicative decisions.
- Rate the level of ease or difficulty you have in applying Guideline __ in making adjudicative decisions.

Effectiveness:

- How adequate is Guideline __ in covering all relevant security concerns?

Investigative Standards

Effectiveness:

- Rate the extent to which the Investigative Standards provide the information needed to apply Guideline __.

In October 1999, the survey was administered to Adjudicators at the Central Adjudication Facilities (CAFs) for the Army, Navy, Air Force,⁴ Joint Chiefs of Staff (JCS),⁵ DIA,⁶ NSA,⁷ WHS,⁸ the Defense Industrial Security Clearance Office (DISCO),⁹ and DOHA.¹⁰ Surveys were also completed by DOHA Administrative Judges and by Navy and Air Force Adjudicators who are not with the respective CAFs.

In February, 2000, the survey was administered to members of the PSABs of the Army, Navy, Air Force, DIA, NSA, WHS, and DOHA.

Workshop

A workshop was designed to provide a quantitative measure of how consistently the guidelines are applied to difficult cases by senior practitioners within the DoD. The

⁴ Army, Navy, and Air Force CAFs adjudicate all Confidential, Secret, and Top Secret clearances and SCI access for Army, Navy, and Air Force military and civilian employees. In addition, they adjudicate SCI access for Defense industry employees working on Army, Navy, or Air Force contracts.

⁵ JCS adjudicates Top Secret clearances for the Joint Staff.

⁶ DIA adjudicates all SCI clearances for DIA employees, National Imagery and Mapping Agency (NIMA) employees, and civilian employees of DoD agencies.

⁷ NSA adjudicates SCI access for agency employees and Defense industry personnel employed on NSA contracts.

⁸ WHS adjudicates all Confidential, Secret, and Top Secret clearances for civilian employees of the Office of Secretary of Defense (OSD), DoD agencies, and Congressional staff with access to DoD classified information.

⁹ DISCO adjudicates all Confidential, Secret, and Top Secret clearances for employees of the Defense industry who have no disqualifying information in their case file.

¹⁰ DOHA adjudicates all Confidential, Secret, and Top Secret clearances for employees of the Defense industry who have disqualifying information in their case file. In this capacity, DOHA administers the due process procedures for industrial personnel who have had their clearance denied or revoked. DOHA also serves as the personal appearance venue for military and Defense civilians who exercise due process rights.

rationale for this procedure was that effective guidelines should have the capability for consistent application. Guidelines with a high degree of consistency suggest that the adjudicative community appreciates the security consequences of the conduct referenced in the guideline and agrees with how to apply the guideline. Because this agreement provides confidence that the goal of reciprocity is attainable, consistency was used as an additional measure of the effectiveness of the guidelines.

Difficult cases provide a challenging test of consistency. Since it is relatively easy to achieve consistency when the adjudicative decisions are obvious, this study adopted a more stringent test of consistency, in which cases requiring considerable adjudicative deliberation were selected to maximize the possibility of inconsistent decisions. High agreement of the decisions to grant or deny clearance eligibility in these types of cases suggest the guidelines are robust.

Cases were solicited from CAFs of the Army, Navy, Air Force, WHS, NSA, and DOHA. CAFs were requested to select one case for each guideline. For cases involving multiple guidelines, the predominant disqualifying factor was to represent one of the 13 guidelines. A second criterion for selection was that the cases require considerable adjudicative deliberation, i.e., selected cases should have an equal likelihood of a favorable or unfavorable determination.

The CAFs provided a total of 80 cases from which SRC selected and sanitized¹¹ an initial set of 20 benchmark cases. To ensure comprehensive coverage of all guidelines and to verify the appropriateness of these cases for the workshop population, an experienced, retired Adjudicator reviewed the sanitized cases and determined the most relevant guidelines, the level of complexity, the difficulty, and the time required to adjudicate the case. Based on input from this expert, SRC selected a core set of 13 cases with one case exemplifying each of the 13 guidelines.

The Senior Adjudicator Workshop was held at DynCorp in Alexandria, VA, July 27 – 30, 1999. Attending the workshop were 15 senior Adjudicators representing seven of the DoD CAFs.¹² During the meeting, the participants rated the guidelines in terms of their clarity and ease of application, rated the standards in terms of the adequacy of the information provided for making adjudicative decisions, and independently reviewed and adjudicated the 13 core cases.

Summaries of the ratings and case decisions were then shared with the group as a whole. This feedback provided a context for discussing each of the core cases, focusing on the application of each guideline and its related standard. The workshop concluded with the participants reviewing and developing recommendations for adjusting the guidelines and related standards.

¹¹ All personal identifying information was removed from these cases.

¹² Attending the workshop were senior Adjudicators from the Army, Navy, Air Force, DIA, WHS, and DOHA-Arlington CAFs, an Administrative Judge from DOHA, and Adjudicators from Navy and Air Force Special Access Programs (SAPs).

Results of the Survey of Adjudicators, Administrative Judges, and PSAB Members

Demographics of Survey Respondents

Respondents to the survey are representative of those performing adjudicative functions within the DoD. They include 203 of 280 (70%) Adjudicators within eight CAFs, 11 of 17 (65%) DOHA Administrative Judges, and 30 of 50 (60%) members of six PSABs. These respondents ranged in civilian grades from GS 05-06 through SES with over 70% being GS 11/12/13s, and in military rank from O-5 through O-6. Demographic information is presented in Appendix C, Table C-1. Throughout this report, the results are presented for the total group of respondents as well as for each of the three subgroups: Adjudicators, Administrative Judges, and PSAB members.

The respondents have extensive experience in applying the guidelines. The Adjudicators have an average of 11 years experience, the Administrative Judges have an average of 9.5 years experience, and the PSAB members have an average of 2.5 years experience. Over 86% of these respondents have experience applying the guidelines for Secret, Top Secret, and SCI clearance/access decisions, and over 50% have experience applying the guidelines for Special Program clearance/access decisions. Given the representativeness and extensive experience of this sample, we are confident that the study results are valid and accurately describe the views of the adjudicative community concerning the application of the guidelines within the DoD.

Frequency of Application of the Guidelines

There are considerable differences in how frequently different guidelines are applied. (Appendix C, Table C-2 presents the mean frequency ratings by subgroup and guideline.) As summarized in Table 1, DoD Adjudicators on a daily or weekly basis apply guidelines related to Financial Considerations, Criminal Conduct, Personal Conduct, Alcohol Consumption, and Drug Involvement. At least monthly they apply guidelines related to Foreign Influence, Emotional/Mental and Personality Disorders, Sexual Behavior, and Foreign Preference. On a quarterly or less frequent basis, they apply guidelines to cases dealing with Security Violations, Misuse of Information Technology Systems, Allegiance, and Outside Activities.

TABLE 1
Frequency of Applying Adjudicative Guidelines

<i>Daily/Weekly</i>	<i>Monthly</i>	<i>Quarterly or Less</i>
Financial Considerations	Foreign Influence	Security Violations
Criminal Conduct	Emotional/Mental and Personality Disorders	Misuse of Information Technology
Personal Conduct	Sexual Behavior	Allegiance
Alcohol Consumption	Foreign Preferences	Outside Activities
Drug Involvement		

Efficiency of the Adjudicative Guidelines

Clarity

One measure of the efficiency of the Adjudicative Guidelines is their clarity, where clarity is defined as *the extent to which the Guidelines provide clear and unambiguous guidance for making adjudicative decisions*. Survey respondents rated the clarity of each guideline using a five-point scale, whose numeric values were 1 for *very clear*, 2 for *clear*, 3 for *neither clear nor unclear*, 4 for *unclear*, and 5 for *very unclear*.

Table 2 below presents the clarity ratings for Adjudicators, Administrative Judges, PSAB members, and totals for each of the 13 guidelines. This information is displayed in three different formats. First, the table shows the percent of respondents in each subgroup who rated the guidelines as *clear* or *very clear*. Next, the table presents the mean clarity ratings followed by the rank order of the guidelines. The guideline rankings are based on the mean scores and range from 1 indicating the most clear to 13, indicating the least clear. Identical ranks are used for guidelines with the same mean clarity score. For example, 84% of the Adjudicators rated Guideline F - Financial Considerations as *clear* or *very clear*. Their mean rating of 1.93 resulted in Financial Considerations being ranked first (or the most clear) among the 13 guidelines. In contrast, only 62% of the Adjudicators rated Guideline M - Misuse of Information Technology Systems as *clear* or *very clear*. Their mean rating of 2.41 resulted in the guideline being ranked the least clear among the guidelines.

The information in Table 2 was analyzed to identify: (1) Significant overall mean differences in clarity ratings between subgroups, (2) most and least clear guidelines for the total group, (3) most and least clear guidelines by subgroup, and (4) significant subgroup differences in clarity ratings for each guideline. First, overall mean differences were analyzed using one-way analysis of variance (ANOVA) with Tukey post hoc tests to identify significant subgroup differences ($p < .05$). Second, a listing of most and least clear guidelines for the total group was obtained using an iterative process. The guidelines were grouped according to highest and lowest mean clarity ratings. Paired t -tests were then used to identify guidelines whose mean ratings were closest in value but were still significantly different at $p < .05$. Guidelines with the lowest mean ratings were listed as most clear, and guidelines with the highest mean ratings were listed as least clear. This process ensured that differences between guidelines identified as most and least clear were significant at $p < .05$. Next, the same process was followed to identify subgroup listings of most and least clear guidelines. Lastly, subgroup mean differences by guidelines were obtained using one-way ANOVAs with Tukey post hoc tests to identify significant subgroup differences ($p < .05$). Throughout the remainder of this report, the term “significant” indicates a statistically significant difference at the $p < .05$ level.

Overall, the guidelines were rated by the total group as *clear* (mean = 2.09); however, examination by subgroup revealed significantly different mean clarity ratings

TABLE 2
Clarity Ratings* by Subgroup and Total**

<i>Guideline</i>	<i>Adjudicators</i> (<i>n</i> = 181 to 197)			<i>Administrative Judges</i> (<i>n</i> = 7 to 11)			<i>PSABs</i> (<i>n</i> = 26 to 29)			<i>Total</i> (<i>n</i> = 219 to 242)		
	<i>% Clear/ Very Clear</i>	<i>Mean</i>	<i>Rank</i>	<i>% Clear/ Very Clear</i>	<i>Mean</i>	<i>Rank</i>	<i>% Clear/ Very Clear</i>	<i>Mean</i>	<i>Rank</i>	<i>% Clear/ Very Clear</i>	<i>Mean</i>	<i>Rank</i>
A - Allegiance	90%	1.94	2	88%	1.88	1	77%	2.12	6	89%	1.96	1
B - Foreign Influence	89%	1.95	3	36%	3.27	13	81%	2.15	7	86%	2.04	6
C - Foreign Preference	82%	2.05	9	36%	3.18	12	56%	2.52	13	77%	2.16	10
D - Sexual Behavior	85%	2.01	6	91%	2.00	2	72%	2.24	8	83%	2.05	7
E - Personal Conduct	82%	2.03	8	64%	2.45	8	66%	2.38	9	79%	2.09	9
F - Financial Consideration	84%	1.93	1	73%	2.27	4	79%	2.07	3	83%	1.96	1
G - Alcohol Consumption	85%	1.97	4	60%	2.30	6	93%	1.90	1	85%	1.98	3
H - Drug Involvement	80%	2.02	7	73%	2.27	4	86%	2.00	2	80%	2.03	5
I - Emotional/ Mental & Personality Disorders	76%	2.15	11	64%	2.45	8	66%	2.38	9	74%	2.20	11
J - Criminal Conduct	84%	2.00	5	60%	2.30	6	79%	2.07	3	82%	2.02	4
K - Security Violations	81%	2.08	10	91%	2.00	2	79%	2.07	3	81%	2.08	8
L - Outside Activities	62%	2.34	12	57%	2.57	10	54%	2.50	12	61%	2.37	12
M - Misuse of Information Technology Systems	62%	2.41	13	40%	2.60	11	59%	2.48	11	61%	2.43	13
Mean Clarity	80%	2.05		64%	2.54		73%	2.20		79%	2.09	

* Clarity ratings range from 1 for *very clear* to 5 for *very unclear*. ** Cell sizes are shown in Appendix C, Table C-3. Subgroup *ns* do not equal Total *n* because 5 respondents did not indicate subgroup membership.

for Administrative Judges than for Adjudicators. The Administrative Judges' mean rating of 2.54 was between *clear* and *neither clear nor unclear* while the Adjudicators' mean rating of 2.05 was *clear*. PSAB members' mean rating of 2.20 was between the Administrative Judges and Adjudicators, but was not significantly different from the other two subgroups.

Examination of the results shown in Table 2 reveal that not all guidelines are considered to provide equally clear and unambiguous guidance for making adjudicative

decisions. Guidelines with total group rankings of 1 through 5 are significantly more clear than guidelines with rankings of 10 through 13. Those rated as most and least clear are:

- Most clear: Allegiance, Financial Considerations, Alcohol Consumption, Criminal Conduct, and Drug Involvement.
- Least clear: Foreign Preference, Emotional/Mental and Personality Disorders, Outside Activities, and Misuse of Information Technology Systems.

There were variations within the subgroups in the guidelines ranked as most and least clear. For Adjudicators, Foreign Influence was ranked among the most clear and Security Violations among the least clear, respectively replacing Drug Involvement and Foreign Preference. In contrast, for Administrative Judges, Sexual Behavior and Security Violations were ranked among the most clear guidelines and Foreign Influence among the least clear. These replaced Alcohol Consumption and Criminal Conduct as most clear and Emotional/Mental and Personality Disorders as least clear. For the PSABs, Security Violations was added to the most clear guidelines and Personal Conduct was added to the least clear.

The only guidelines with significant differences between groups were Foreign Preference and Foreign Influence, where the Administrative Judges rated the guidelines as less clear than Adjudicators and PSAB members. This is exemplified by Foreign Influence where 89% of the Adjudicators and 81% of the PSAB members rated the guideline as *clear/very clear* in contrast to only 36% of the Administrative Judges¹³. Similar but not as pronounced group differences were found for Foreign Preference.

Ease of Application

A second measure of the efficiency of the Adjudicative Guidelines is their ease of application, defined as *the level of ease or difficulty experienced in applying the Guidelines in making adjudicative decisions*. Survey respondents rated the ease of application of each guideline using a five-point scale, whose numeric values were 1 for *very easy*, 2 for *easy*, 3 for *neither easy nor difficult*, 4 for *difficult*, and 5 for *very difficult*.

Table 3 presents the ease of application ratings by subgroup and total for each of the 13 guidelines. As with the clarity ratings, this information is displayed using the three different formats, i.e., percentage *easy/very easy*, mean rating, and rank, and analyzed in a similar fashion.

Overall, the guidelines were rated by the total group as *easy* to apply (mean = 2.26). There were, however, significant differences by subgroup. The mean ease rating for the Administrative Judges was significantly different from Adjudicators or PSAB

¹³ These percentages refer to 174 of 195 Adjudicators, 21 of 26 PSAB members, and 4 of 11 Administrative Judges.

TABLE 3
Ease of Application Ratings* by Subgroup and Total**

<i>Guideline</i>	<i>Adjudicators (n = 177 to 197)</i>			<i>Administrative Judges (n = 7 to 11)</i>			<i>PSABs (n = 25 to 29)</i>			<i>Total (n = 214 to 242)</i>		
	<i>% Easy/ Very Easy</i>	<i>Mean</i>	<i>Rank</i>	<i>% Easy/ Very Easy</i>	<i>Mean</i>	<i>Rank</i>	<i>% Easy/ Very Easy</i>	<i>Mean</i>	<i>Rank</i>	<i>% Easy/ Very Easy</i>	<i>Mean</i>	<i>Rank</i>
A - Allegiance	59%	2.36	10	57%	2.29	2	64%	2.24	5	59%	2.34	9
B - Foreign Influence	72%	2.18	4	9%	3.64	12	54%	2.42	8	67%	2.28	8
C - Foreign Preference	62%	2.35	9	9%	3.73	13	44%	2.70	13	58%	2.44	11
D - Sexual Behavior	70%	2.19	6	64%	2.45	5	62%	2.41	7	68%	2.24	6
E - Personal Conduct	70%	2.19	6	27%	2.82	9	61%	2.43	9	67%	2.25	7
F - Financial Consideration	76%	2.03	1	40%	2.80	8	69%	2.14	3	73%	2.08	1
G - Alcohol Consumption	74%	2.09	3	36%	2.64	7	76%	2.03	1	72%	2.11	3
H - Drug Involvement	70%	2.18	4	55%	2.36	3	72%	2.10	2	69%	2.19	4
I - Emotional/ Mental & Personality Disorders	58%	2.36	10	27%	2.82	9	41%	2.69	12	55%	2.41	10
J - Criminal Conduct	78%	2.07	2	40%	2.40	4	69%	2.17	4	76%	2.09	2
K - Security Violations	68%	2.23	8	64%	2.27	1	64%	2.25	6	68%	2.23	5
L - Outside Activities	50%	2.47	12	29%	3.00	11	40%	2.64	13	48%	2.52	12
M - Misuse of Information Technology Systems	53%	2.53	13	40%	2.60	6	50%	2.54	10	52%	2.53	13
Mean Ease	66%	2.23		38%	2.94		59%	2.33		64%	2.26	

* Ease of application ratings range from 1 for *very easy* to 5 for *very difficult*. ** Cell sizes are shown in Appendix C, Table C-4. Subgroup ns do not equal Total n because 5 respondents did not indicate subgroup membership.

members. The Administrative Judges' mean rating of 2.94 indicated that the guidelines were *neither easy nor difficult* to apply, whereas the Adjudicators' and PSAB members' mean ratings (2.23 and 2.33 respectively) indicated the guidelines were *easy* to apply.

Examination of the results shown in Table 3 reveal that not all guidelines are considered equally easy to apply in making adjudicative decisions. Guidelines with total group rankings of 1 through 4 are significantly easier to apply than guidelines with rankings of 10 through 13. Those rated as most and least efficient in terms of their ease of application are:

- Most easy to apply: Financial Considerations, Criminal Conduct, Alcohol Consumption, and Drug Involvement.
- Least easy to apply: Emotional/Mental and Personality Disorders, Foreign Preference, Outside Activities, and Misuse of Information Technology Systems.

There were variations within one of the subgroups in the guidelines ranked as most and least easy to apply. The Administrative Judges ranked the Security Violations guideline among the most easy to apply and the Foreign Influence guideline among the least easy to apply. These guidelines respectively replaced Alcohol Consumption and Emotional/Mental and Personality Disorders guidelines among the most and least easy to apply.

Significant between subgroup differences were also found for 5 of the 13 guidelines: Foreign Influence, Foreign Preference, Personal Conduct, Financial Considerations and Alcohol Consumption. Adjudicators and PSAB members rated these guidelines as easier to apply than did Administrative Judges. Most notable were the disparate ratings for Foreign Influence and Foreign Preference, where only 9% of the Administrative Judges rated these guidelines as *easy/very easy* to apply. For Foreign Influence, this compares to 40% of the PSAB members and 72% of the Adjudicators; for Foreign Preference this compares to 44% of the PSAB members and 62% of the Adjudicators.¹⁴ Similar but less distinct group differences were found for the other three guidelines.

Effectiveness of Adjudicative Guidelines and Investigative Standards

Coverage of Security Concerns

One measure of the effectiveness of the Adjudicative Guidelines is their coverage, defined as *the adequacy of the Guidelines in covering all relevant security concerns*. Survey respondents rated the coverage of each guideline using a five-point scale, whose numeric values were 1 for *very adequate*, 2 for *adequate*, 3 for *somewhat adequate*, 4 for *inadequate*, and 5 for *very inadequate*.

Table 4 below presents the coverage ratings by subgroup and total for each of the 13 guidelines. As with the ratings presented previously, this information is displayed using the three different formats and analyzed in a similar fashion.

For the total group as a whole, the guidelines were rated as *adequate* (mean = 2.18) in terms of their coverage of security concerns. The Administrative Judges' mean rating, which approached the *neither adequate nor inadequate* range (mean = 2.67), was significantly different from the Adjudicators' and PSAB members' mean ratings which were in the *adequate* range (2.16 and 2.21 respectively).

¹⁴ These percentages convert to 1 of 11 Administrative Judges compared to 14 of 26 PSAB members and 139 of 193 Adjudicators for Foreign Influence and 12 of 27 PSAB members and 121 of 194 Adjudicators for Foreign Preference.

TABLE 4
Coverage Ratings* by Subgroup and Total**

<i>Guideline</i>	<i>Adjudicators (n = 177 to 197)</i>			<i>Administrative Judges (n = 7 to 11)</i>			<i>PSABs (n = 24 to 29)</i>			<i>Total (n = 213 to 242)</i>		
	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>
A - Allegiance	76%	2.14	5	88%	1.88	1	77%	2.23	6	76%	2.15	4
B - Foreign Influence	81%	2.10	4	18%	3.00	12	71%	2.26	7	78%	2.16	6
C - Foreign Preference	74%	2.22	11	18%	3.18	13	58%	2.46	11	70%	2.29	11
D - Sexual Behavior	75%	2.17	8	91%	2.00	2	69%	2.38	10	75%	2.19	8
E - Personal Conduct	74%	2.19	9	55%	2.45	8	62%	2.34	8	72%	2.23	9
F - Financial Consideration	82%	2.02	1	60%	2.30	4	79%	2.10	3	81%	2.04	1
G - Alcohol Consumption	80%	2.08	2	64%	2.45	8	79%	2.03	1	79%	2.08	2
H - Drug Involvement	77%	2.14	5	64%	2.36	5	82%	2.07	2	77%	2.15	4
I - Emotional/ Mental & Personality Disorders	73%	2.21	10	55%	2.36	5	66%	2.34	8	70%	2.24	10
J - Criminal Conduct	81%	2.08	2	70%	2.00	2	72%	2.14	4	79%	2.09	3
K - Security Violations	77%	2.16	7	64%	2.55	10	72%	2.14	4	76%	2.18	7
L - Outside Activities	68%	2.28	12	57%	2.57	11	50%	2.50	12	66%	2.32	12
M - Misuse of Information Technology Systems	62%	2.41	13	70%	2.40	7	46%	2.58	13	61%	2.43	13
Mean Coverage	75%	2.16		59%	2.67		68%	2.21		74%	2.18	

* Coverage ratings range from 1 for *very adequate* to 5 for *very inadequate*. ** Cell sizes are shown in Appendix C, Table C-5. Subgroup *n*s do not equal Total *n* because 5 respondents did not indicate subgroup membership.

Table 4 reveals that not all guidelines are considered equally effective in terms of their coverage of relevant security concerns. Guidelines with total group rankings of 1 through 4 were significantly more adequate in terms of coverage than guidelines with rankings of 10 through 13. Those rated as most and least effective in covering security concerns are:

- Most adequate coverage: Financial Considerations, Alcohol Consumption, Criminal Conduct, Drug Involvement, and Allegiance.

- Least adequate coverage: Emotional/Mental and Personality Disorders, Foreign Preference, Outside Activities, and Misuse of Information Technology Systems.

There were variations within one of the subgroups in the guidelines ranked as most and least adequate in terms of coverage. In particular, the Administrative Judges ranked the Sexual Behavior guideline among the most adequate in coverage and Foreign Influence among the least adequate, respectively replacing Alcohol Consumption and Emotional/Mental and Personality Disorders guidelines.

Two guidelines, Foreign Influence and Foreign Preference, have significant between-subgroup differences. The Administrative Judges rated these guidelines as significantly less adequate in coverage than the Adjudicators and PSAB members. Only 18 % of the Administrative Judges rated Foreign Influence and Foreign Preference as *adequate/very adequate* in terms of coverage compared with 71% and 58% respectively of PSAB members for the same guidelines and 81% and 75% respectively for Adjudicators.¹⁵

Information Provided by the Investigative Standards

A measure of the effectiveness of the Investigative Standards is the *extent to which the Investigative Standards provide the information needed to apply the Guidelines*. Survey respondents rated the extent to which the standards provide the needed information for each guideline using a five-point scale, whose numeric values were 1 for *very great extent*, 2 for *great extent*, 3 for *moderate extent*, 4 for *slight extent*, and 5 for *not at all*.

Table 5 presents ratings of the extent to which the Investigative Standards provide the information needed to apply the guidelines. Ratings are presented using the three formats and analyzed in a fashion similar to the clarity, ease of application, and coverage ratings.

Overall, the standards were rated by the total group as providing between a *great* and a *moderate extent* (mean = 2.45) the information needed to apply the guidelines. There were no significant differences in the mean subgroup scores between the Adjudicators, Administrative Judges, and PSABs.

Table 5 reveals that the standards do not provide the needed information to the same extent for each of the guidelines. Guidelines with the rank of 1 provided the information needed to apply the guidelines to a significantly greater extent than guidelines with ranks of 9 through 13. Those guidelines for which the standards were rated by the total group as providing the needed information to the greatest and least extent are:

¹⁵ These percentages convert to 2 of 11 Administrative Judges compared to 19 of 27 and 15 of 26 PSAB members for Foreign Influence and Foreign Preference respectively and to 156 of 193 and 146 of 195 respectively for Adjudicators.

- Greatest Extent: Financial Considerations, Alcohol Consumption, and Criminal Conduct.
- Least extent: Emotional/Mental and Personality Disorders, Foreign Preference, Allegiance, Outside Activities, and Misuse of Information Technology Systems.

TABLE 5
Information Provided by
Investigative Standards* by Subgroup and Total**

<i>Guideline</i>	<i>Adjudicators</i> <i>(n = 176 to 195)</i>			<i>Administrative</i> <i>Judges (n = 6 to 11)</i>			<i>PSABs</i> <i>(n = 23 to 27)</i>			<i>Total</i> <i>(n = 210 to 238)</i>		
	<i>%</i>			<i>%</i>			<i>%</i>			<i>%</i>		
	<i>Great/ Very Great Extent</i>	<i>Mean</i>	<i>Rank</i>	<i>Great/ Very Great Extent</i>	<i>Mean</i>	<i>Rank</i>	<i>Great/ Very Great Extent</i>	<i>Mean</i>	<i>Rank</i>	<i>Great/ Very Great Extent</i>	<i>Mean</i>	<i>Rank</i>
A - Allegiance	46%	2.61	9	67%	2.17	1	48%	2.65	7	46%	2.61	11
B - Foreign Influence	53%	2.42	5	20%	3.30	13	28%	2.76	10	49%	2.49	6
C - Foreign Preference	49%	2.52	9	9%	3.27	12	24%	2.96	13	45%	2.59	10
D - Sexual Behavior	50%	2.46	7	73%	2.36	3	41%	2.74	9	49%	2.50	8
E - Personal Conduct	51%	2.44	6	27%	2.91	11	59%	2.44	5	51%	2.46	5
F - Financial Consideration	60%	2.29	1	40%	2.70	9	67%	2.30	4	60%	2.30	1
G - Alcohol Consumption	60%	2.29	1	46%	2.45	4	74%	2.22	1	61%	2.30	1
H - Drug Involvement	55%	2.35	4	55%	2.45	4	67%	2.26	3	56%	2.35	4
I - Emotional/ Mental & Personality Disorders	50%	2.52	9	46%	2.55	7	41%	2.70	8	48%	2.54	9
J - Criminal Conduct	58%	2.31	3	50%	2.30	2	67%	2.22	1	58%	2.30	1
K - Security Violations	51%	2.48	8	50%	2.50	6	41%	2.56	6	50%	2.49	6
L - Outside Activities	38%	2.65	12	33%	2.83	10	26%	2.78	11	36%	2.68	12
M - Misuse of Information Technology Systems	43%	2.67	13	40%	2.60	8	25%	2.88	12	41%	2.69	13
Mean Extent	51%	2.43		51%	2.69		47%	2.55		50	2.45	

* Information ratings range from 1 for *very great extent* to 5 for *not at all*. ** Cell sizes are shown in Appendix C, Table C-6. Subgroup *n*s do not equal Total *n* because 5 respondents did not indicate subgroup membership.

There were variations within the subgroups in the extent of information provided by the standards. For the Administrative Judges, Allegiance and Sexual Behavior

replaced Financial Considerations and Alcohol Consumption as the guidelines with the greatest extent of information provided by the standards. Personal Conduct and Foreign Influence replaced Emotional/Mental and Personality Disorders and Misuse of Information Technology Systems as the guidelines with the least extent of information provided. For PSAB members, Foreign Influence replaced Allegiance as a guideline with the least extent of information provided by the standards.

Two guidelines, Foreign Influence and Foreign Preference, had significant between-subgroup differences. Administrative Judges differed significantly from Adjudicators in rating the extent of information provided for applying the Foreign Influence guideline. Similarly Administrative Judges and PSAB members differed significantly from Adjudicators in rating the extent of information provided for applying the Foreign Preference guideline. For both guidelines, Adjudicators reported that a greater extent of information was provided by the standards. For Foreign Influence and Foreign Preference 53% and 49% of Adjudicators, respectively, indicated that the standards provided to a *great/very great extent* the information needed. In contrast, for Administrative Judges only 20% made similar ratings for Foreign Influence and 9% for Foreign Preference; for PSAB members 28% and 24%, respectively, made the same ratings.¹⁶

Overall Adequacy of Adjudicative Guidelines and Investigative Standards

A single composite measure was developed to summarize the overall adequacy of the guidelines. *Overall adequacy* was defined as:

$$(\text{Clarity} + \text{Ease of Application} + \text{Coverage of Security Concerns} + \text{Extent of Information Provided})/4$$

This formula gives equal weight to efficiency and effectiveness by combining the two efficiency measures of the Adjudicative Guidelines (i.e., clarity and ease of application) with the effectiveness measures for the Adjudicative Guidelines and the Investigative Standards (i.e., coverage of security concerns and extent of information provided). This acknowledges that *adequacy* of the guidelines is dependent not only on guideline measures such as clarity, ease, and coverage but also on how well the investigation provides relevant information. The numeric score values ranged from 1 to 5 with 1 representing *very adequate*, 2 representing *adequate*, 3 representing *neither adequate nor inadequate*, 4 representing *inadequate*, and 5 representing *very inadequate*.

Table 6 presents the overall adequacy ratings for each guideline and across all guidelines by subgroup and the total. As before, the table presents three types of information for each guideline and its related standard: (1) The percent rating the guideline and related standards as *adequate* or *very adequate*, (2) the mean adequacy

¹⁶ These percentages convert to 102 of 193 Adjudicators for Foreign Influence and 95 of 194 for Foreign Preference. For the same guidelines the numbers are 2 of 10 and 1 of 11 for Administrative Judges, and 7 of 25 and 6 of 25 for PSAB members.

TABLE 6
Overall Adequacy* of Adjudicative
Guidelines and Investigative Standards**

<i>Guideline</i>	<i>Adjudicators (n = 174 to 194)</i>			<i>Administrative Judges (n = 6 to 11)</i>			<i>PSABs (n = 22 to 27)</i>			<i>Total (n = 208 to 236)</i>		
	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>	<i>% Adeq/ Very Adeq</i>	<i>Mean</i>	<i>Rank</i>
A - Allegiance	63%	2.26	9	67%	2.00	1	68%	2.22	6	63%	2.25	8
B - Foreign Influence	69%	2.16	4	10%	3.38	13	57%	2.33	7	66%	2.23	5
C - Foreign Preference	61%	2.28	10	9%	3.34	12	40%	2.66	13	57%	2.36	11
D - Sexual Behavior	67%	2.20	6	82%	2.20	2	56%	2.43	9	66%	2.24	7
E - Personal Conduct	66%	2.21	7	27%	2.66	10	63%	2.35	8	64%	2.25	8
F - Financial Consideration	74%	2.06	1	40%	2.53	6	70%	2.14	4	72%	2.09	1
G - Alcohol Consumption	70%	2.10	2	40%	2.55	7	85%	2.01	1	70%	2.11	2
H - Drug Involvement	67%	2.17	5	55%	2.36	5	81%	2.05	2	68%	2.17	4
I - Emotional/ Mental & Personality Disorders	58%	2.30	11	46%	2.55	7	48%	2.49	10	56%	2.34	10
J - Criminal Conduct	74%	2.11	3	50%	2.25	3	62%	2.13	3	71%	2.12	3
K - Security Violations	67%	2.23	8	50%	2.35	4	65%	2.17	5	66%	2.23	5
L - Outside Activities	50%	2.42	12	50%	2.71	11	39%	2.54	11	49%	2.45	12
M - Misuse of Information Technology Systems	52%	2.50	13	30%	2.55	7	29%	2.60	12	49%	2.51	13
Mean Extent	65%	2.20		42%	2.73		59%	2.27		63%	2.22	

* Overall adequacy ratings range from 1 for *very adequate* to 5 for *very inadequate*. ** Cell sizes are shown in Appendix C, Table C-7. Subgroup *n*s do not equal Total *n* because 5 respondents did not indicate subgroup membership.

rating, and (3) the rank of the guidelines ordered in terms of mean adequacy ratings. The information was analyzed in a fashion similar to the previous ratings.

Overall, the guidelines and their related standards as a whole were considered adequate by the total group of respondents (mean = 2.22). While the Administrative Judges had a mean score in the *neither adequate nor inadequate* range, and the Adjudicators and PSAB members had a mean score in the *adequate* range, these differences were not statistically significant.

As with the previously discussed individual ratings (i.e., clarity, ease of application, coverage of security concerns, and information provided), Table 6 shows that not all guidelines are considered to be equally adequate for making adjudicative decisions. Guidelines with total group adequacy rankings of 1 through 4 are significantly more adequate for making adjudicative decisions than guidelines ranked 10 through 13. The specific guidelines ranked as most and least adequate for making adjudicative decisions are:

- Most adequate: Financial Considerations, Alcohol Consumption, Criminal Conduct, and Drug Involvement.
- Least adequate: Emotional/Mental and Personality Disorders, Foreign Preference, Outside Activities, and Misuse of Information Technology Systems.

There were variations within the subgroups in the guidelines ranked as most and least adequate for making adjudicative decisions. The Adjudicators ranked Foreign Influence among the most adequate. The Administrative Judges ranked the Allegiance and Sexual Behavior guidelines among the most adequate, replacing Financial Considerations, Alcohol Consumption, and Drug Involvement. They ranked Foreign Influence among the least adequate, replacing Outside Activities and Misuse of Information Technology Systems. The PSAB rankings were similar to the total group rankings.

Significant between-subgroup differences were found for 3 of the 13 guidelines: Foreign Influence, Foreign Preference, and Alcohol Consumption. Adjudicators and PSAB members rated these guidelines as more adequate for making adjudicative decisions than did the Administrative Judges. This is evidenced by the fact that 10% of the Administrative Judges rated Foreign Influence as *adequate/very adequate* compared to 69% of Adjudicators and 57% of PSAB members. For Foreign Preference the same ratings were made by 9% of Administrative Judges, 61% of Adjudicators, and 40% of PSAB members. For Alcohol Consumption, 40% of Administrative Judges compared to 70% of Adjudicators and 85% of PSAB members rated the guideline as *adequate/very adequate*.¹⁷

Other Factors Affecting Efficiency and Effectiveness of Guidelines

In addition to the measures described above, there are a number of other factors which directly affect the efficiency and effectiveness of the guidelines. These factors include the frequency with which the guidelines are applied to cases with multiple disqualifying conditions, the ease with which the guidelines can be applied to these multiple guideline cases, the availability of subject matter experts, the adequacy of the

¹⁷ For Foreign Influence, these percentages convert to 1 of 10 Administrative Judges, 132 of 191 Adjudicators, and 13 of 23 PSAB members. For Foreign Preference, the numbers are 1 of 11 Administrative Judges, 117 of 191 Adjudicators and 10 of 25 PSAB members. For Alcohol Consumption, the numbers are 4 of 10 Administrative Judges, 136 of 194 Adjudicators, and 23 of 27 PSAB members.

training of those involved in the adjudication process, and the availability and utilization of resources. Below is a summary of the survey results about these other factors. For further detail refer to Appendix E.

More than 60% of the cases with disqualifying factors involve multiple guidelines. Many cases contain borderline factors which may in a whole-person evaluation suggest security concerns. Respondents rated multiple guideline cases as *easy* to handle but reached no consensus about how to handle multiple borderline cases.

Concerning the need for training, over 70% reported that training was needed to a *moderate* or *greater extent*. There was also a *moderate* or *greater* need for access to professionals outside of the adjudicative community reported by 80% of the respondents. In general, Adjudicators reported the greatest need for training and special expertise followed by Administrative Judges with PSAB members the least likely to report such a need.

A number of resources are used to inform adjudicative decisions. Agency Policy Guidelines, 5200-2R, and DCID 6/4 are used to a *great /very great extent* by more than 50% of the respondents, the Adjudicative Desk Reference (ADR) is used to a *great /very great extent* by 40%, and Blacks Law Dictionary and the DSM-IV are used by less than 40%.

Summary of Quantitative Analysis of Efficiency and Effectiveness of the Adjudicative Guidelines and Investigative Standards

Overall the quantitative analysis indicates the efficiency and effectiveness of the Adjudicative Guidelines and Investigative Standards are adequate. Nevertheless, there are differences among the four measures used to assess efficiency and effectiveness. The measures ranked in order from most to least efficient and effective were clarity, coverage of security concerns, ease of application, and information provided. The guidelines were considered efficient in that they provide clear and unambiguous guidance for making adjudicative decisions and effective in that they provide adequate coverage of security concerns. However, the guidelines were considered less efficient in terms of their ease of application and less effective in terms of the information provided. For instance, almost 80% of the respondents rated the guidelines as *clear* or *very clear*, 74% rated them as *adequate* or *very adequate* in covering security concerns, but less than 65% rated them as *easy* or *very easy* to apply, and 52% rated the standards as providing the information needed to a *great* or *very great* extent. This suggests that application of the guidelines depends not only on their clarity but also on other factors such as the information provided by the investigation and the specific circumstances in the case. It also suggests that the distinction between efficiency and effectiveness in terms of the Adjudicative Guidelines and Investigative Standards is somewhat arbitrary since the factors are so interrelated.

There is also clear evidence of differences of opinion about the guidelines among various segments of the adjudicative population. The Administrative Judges rated the

guidelines as less clear than the Adjudicators and less easy to apply than both the Adjudicators and PSAB members. However, their other ratings (i.e., coverage of security concerns and information provided) were not significantly different from the other two groups. With regard to specific guidelines, the Administrative Judges consistently rated the Foreign Influence and Foreign Preference guidelines differently than the Adjudicators and PSAB members on all measures. The fact that these significant differences appeared even with the small sample size of Administrative Judges compared to the other subgroups suggests that these differences are meaningful. The reasons for these differences could not be determined in the present study but warrant further examination.

Results of the Senior Adjudicators Workshop

Assessing Consistency of Application of Adjudicative Guidelines

Practical Evaluation of Consistency

An important measure of the effectiveness of the guidelines is the degree of consistency with which they are applied. Consistency ratings by guideline were generated from a workshop attended by 14 senior Adjudicators and an Administrative Judge. The participants had an average of 12 years experience in applying the guidelines, indicating they were well qualified to adjudicate difficult cases.

Workshop participants independently adjudicated 13 sanitized cases which required considerable adjudicative deliberation were used to maximize the possibility of inconsistent decisions. High agreement of decisions to grant or deny clearance eligibility in these types of cases test the robustness of the guideline. The primary disqualifying factor in each case represented one of the guidelines, but multiple guidelines were involved in each case. Participants provided a recommendation to grant or deny eligibility in each case and for each case, they provided ratings on the ease of application, the sufficiency of the guidelines, and the sufficiency of the standards in providing necessary information for making the decision.

Table 7 presents information related to each of the 13 cases in order of the percent of agreement among the participants concerning whether or not to grant or deny eligibility. This is the number of participants who arrived at the majority decision divided by the total number who adjudicated the case. The table also includes the primary and secondary guidelines applied in each case, the ease of applying the primary and secondary guidelines, the collective recommendation of the workshop participants regarding eligibility, the percent of agreement among the participants, the official decision recorded in the Defense Central Index of Investigations (DCII), and the percent of workshop participants who agreed with the official decision.

Agreement among Workshop Participants

Across all cases there was 81% agreement among workshop participants concerning the recommended eligibility, i.e., on average 12 of the 15 participants made similar recommendations to grant or deny eligibility. There was an average agreement of

TABLE 7
Primary and Secondary Guidelines, Participants’
Recommendations, and Official Decisions for Workshop Cases

<i>Relevant Guidelines</i>		<i>Ease of Application</i>		<i>Workshop Results</i>		<i>CAF Results</i>	
<i>Primary Guideline</i>	<i>Secondary Guideline</i>	<i>Primary Guideline</i>	<i>Secondary Guideline</i>	<i>Recommendation</i>	<i>Percent Agreement</i>	<i>Official Decision</i>	<i>Percent Agreement</i>
Allegiance	Foreign Preference	2.2	2.6	Deny	100%	Pending	
Misuse	Security Violations	1.5	2.0	Deny	100%	Unknown	
Emotional/Mental	Drugs	2.4	2.1	Deny	93%	Deny	93%
Sexual Behavior	Criminal	1.6	1.5	Deny	92%	Deny	92%
Drugs	Personal Conduct	1.2	1.7	Deny	92%	Deny	92%
Foreign Preference	Foreign Influence	3.7	2.1	Deny	87%	Grant	13%
Emotional/Mental	Sexual Behavior	2.4	2.9	Deny	86%	Grant	14%
Outside Activities	Foreign Influence	2.6	2.8	Grant	86%	Withdrawn	
Criminal	Alcohol	1.8	2.1	Grant	79%	Grant	79%
Financial	Personal Conduct	2.4	2.2	Deny	67%	Deny	67%
Security Violations	Personal Conduct	1.2	2.5	Deny	64%	Deny	64%
Foreign Influence	Outside Activities	1.6	2.6	Grant	57%	Pending	
Alcohol	Criminal	1.8	1.3	Split Decision	50%	Grant	50%

92% for 8 of the 13 cases and in only 4 of the 13 cases was agreement lower than 70%. This suggests that there was a high level of consistency among workshop participants when adjudicating identical cases.

Across all participants, there were a total of 179 decisions. The participants agreed with the majority on 88% of the decisions, i.e., 157 of the 179 decisions were similar to the majority decision. This translates to a significant internal consistency coefficient of $\alpha = .88$. It is worth noting that individual recommendations which differed from the group consensus were spread relatively evenly among all the participants. No participant consistently made decisions that were counter to the norm. Specifically, one participant agreed with the group decision on all cases, eight agreed with the group decision on all but one case, four agreed on all but two cases, one agreed on all but three cases, and one agreed on all but four cases.

An analysis of the ease of applying the primary and secondary guidelines suggests that consistency in final determinations was independent of the ease of applying guidelines to the cases. For the nine cases with highest agreement, the average ease of applying guidelines 1 and 2 was rated *easy*. On the other hand, for the four cases with

low agreement, the average ease of applying guideline 1 was rated as *very easy*, and of applying guideline 2 was rated *easy*. Thus, for cases with the lowest consistency guideline 1 was rated as significantly easier to apply than for the cases with higher consistency, suggesting that ease of applying the guidelines is not a sufficient basis for inconsistent decisions.

The group discussion concerning the four cases with workshop agreement less than 70% indicated that consistency was affected by the circumstances in the cases. For instance, in one case the opinion of an expert, e.g., a credentialed medical authority, was at variance with other evidence in the case. In the other cases there were conflicting statements from principals. It appeared that the relative lack of agreement was a function of facts in the cases, not the guidelines

Agreement with Official CAF Decisions

Official CAF decisions were available for 9 of the 13 cases. On these nine cases there was 62% agreement between workshop participants' recommendations and official decisions. This means that on average, 9 of the 15 participants agreed with the official decision. This was considerably lower than the agreement among the workshop participants, where on average 12 of 15 agreed with the majority recommendation. The primary reason for this difference is that two cases recommended for denial by the workshop participants were granted eligibility by the CAFs. The significance of this discrepancy is that the cases involved Foreign Influence, Foreign Preference, Emotional/Mental and Personality Disorders, and Sexual Behavior guidelines. Three of these guidelines were identified in the survey as having the lowest rankings of the 13 guidelines. Workshop discussions indicated that one of the cases was difficult because the subject's stated foreign preference did not involve dual citizenship or any of the other activities contained in the Foreign Preference and Foreign Influence guidelines. The second case was difficult because the emotional/mental condition was transitory, the sexual behavior was legal, and the individual was not subject to coercion, exploitation, or duress. These findings suggest there may be a high level of consistency among senior Adjudicators when adjudicating identical cases; however, outcomes may differ when the circumstances of a case do not exactly fit the guidelines.

Recommendations and Adjustments to the Adjudicative Guidelines and Investigative Standards

Recommendations/Adjustments to Adjudicative Guidelines

Participants in all phases of the study provided feedback on each guideline. For each of the 13 guidelines, this feedback included general comments; terms that need clarification; recommendations for improving the statement of concern, disqualifying conditions, and mitigating conditions; and increased guideline-specific information resources. These comments, recommendations, and resources are summarized in Appendix D by source (i.e., whether the comments were made by Adjudicators, Administrative Judges, and/or PSAB members).

In the written surveys, comments on the specific guidelines were received from 6% to 28% of the 244 respondents, ranging from the fewest comments for Outside Activities and Misuse of Information Technology Systems to the largest number of comments for Drug Involvement and Foreign Preference. During the PSAB interviews and the Senior Adjudicator Workshop, participants also provided comments on the guidelines, with the largest number of comments relating to Foreign Preference, Foreign Influence, and Personal Conduct.

The comments primarily dealt with three types of adjustments to the guidelines. First, the comments concerned the terminology used in the guidelines and the need for clarifying or exemplifying these terms. Second, the comments concerned adjustments to specific guidelines. Lastly, some of the more general comments concerned adjustments to the adjudicative process and the overall application of the guidelines. In the sections to follow, recommendations and adjustments suggested by the study participants in these three areas are described.

Clarification of Terms

Many of the comments concerned the definitions of terms used in the guidelines. Participants contrasted the previous version of the guidelines, which had explicit definitions and decision rules, with the current guidelines, which are more general in nature. While they reported that the current guidelines provide a better framework for making adjudicative decisions from the application of the whole-person concept, the guidelines could benefit from clarification of certain terms. They typically sought guidance and examples to help clarify these terms, rather than concrete rules which would not allow them to apply the guidelines to a wide range of cases using the whole-person concept.

The specific words identified as needing clarification can be grouped into three categories: (1) Those describing behavior in terms of its timing, frequency, and severity; (2) technical terms, including medical, professional, legal, or financial terms; and (3) those describing specific types of behaviors or relationships. Listed below are the terms identified as needing clarification within each of these categories:

Terms Describing Timing, Frequency, and Severity of Behaviors

- Timing: Current, recent, prompt, timely, short period of time
- Frequency: Isolated, frequent
- Severity: Severe, serious, excessive

Technical Terms

- Medical Terms: Credentialed medical professional, recognized treatment program, rehabilitation, abuse, dependence, mental disorder, characterologic disorder
- Legal Terms: Felony, misdemeanor, unauthorized use, illegal actions, acquittal, sanctioned by the US

- Financial Terms: Unexplained affluence, over-indebtedness, substantial financial interest

Terms Describing Specific Types of Behaviors or Relationships

- Level of Association: Family member, close ties, association
- Specific Behaviors: Pattern of behavior, denounce, exercise dual citizenship, violation

Adjustments to Specific Guidelines

Comments regarding adjustments to the guidelines can be grouped into four categories: (1) Guidelines dealing with foreign activities and influence, (2) guidelines dealing with sexual, personal, emotional, and criminal behaviors, (3) guidelines concerning the use of alcohol and drugs, and (4) guidelines involving behaviors related to finances, security, and computer technology.

The participants noted that four of the guidelines, i.e., Allegiance, Foreign Influence, Foreign Preference, and Outside Activities, are closely related and difficult to distinguish from each another. Some suggested combining these four into two guidelines: One covering Allegiance and Foreign Preference, and one covering Foreign Influence and Outside Activities.

- Allegiance. Although this guideline is seldom used, participants felt that it should be more specific, clearly addressing the overall intent of acts against the United States and its allies. This could be accomplished by revising the disqualifying and mitigating conditions to focus on conduct or behaviors which indicate questionable allegiance whether or not those acts include force or violence and whether or not those acts are unconstitutional.
- Foreign Preference. Most problematic for applying this guideline are cases involving the possession and/or exercise of dual citizenship, including the use of dual passports. The participants recommended that DoD establish a clear policy requiring individuals who hold security clearances to renounce, not just be willing to renounce, citizenship in a foreign country and to relinquish their foreign passports. Exceptions to this policy could cover citizens of nations that do not recognize loss of citizenship due to naturalization in the US and/or nations that force dual citizens to use non-US passports to enter/leave their nation.
- Foreign Influence. Most prominent were comments concerning the range of associations and relationships, especially in light of increased globalization. In this context, the participants felt a need for clarification of which types of financial interests are of security concern. They also suggested establishing different disqualifying conditions which could be applied to democracies or allies of the US as opposed to non-democracies and adversaries.
- Outside Activities. This guideline was described by participants as dealing primarily with conflicts of interest and as becoming more important as

globalization increases. Recommendations for improving this guideline focused on clarifying the range of activities (whether domestic or foreign) which suggest conflict of interest. For example, they suggested providing guidance as to when one is working for a domestic company with foreign ownership or when one has an interest or participates in an activity or group with foreign interests that presents a security risk.

The participants noted that some behaviors may be categorized into several of the following guidelines: Sexual Behavior, Personal Conduct, Emotional/Mental and Personality Disorders, and Criminal Conduct. Many of their comments and recommendations were aimed at clearly distinguishing between these guidelines.

- Sexual Behavior. A number of the participants recommended eliminating this guideline since they felt all serious sexual behaviors fall under the Criminal Conduct, Emotional/Mental and Personality Disorders, or Personal Conduct guidelines. If this guideline is retained, they recommended clearly indicating that the intent of the guideline is to cover any sexual behavior, whether legal or illegal, that may subject a person to coercion, exploitation, or duress. Given this new focus, behaviors of a criminal or emotional/mental nature or behaviors that reflect lack of judgment or discretion would be covered under separate guidelines.
- Personal Conduct. Participants noted that this is a very broad guideline, covering intentional falsification, refusal to cooperate, failure to comply with rules and regulations, and conduct that suggests unreliability or vulnerability. Not surprisingly, there were many suggestions to improve this guideline, ranging from eliminating or revising it to developing several separate guidelines to cover its unique components. Other suggestions included clarifying that this guideline should be used to cover cases where there are multiple borderline factors which may not meet the threshold set by other guidelines but which indicate that an individual may be a security risk.
- Emotional/Mental and Personality Disorders. Given the specialized nature of emotional, mental and personality disorders, those applying this guideline made recommendations which would require a specific diagnosis by a mental health professional who is approved by and acceptable to or employed by the government. They also recommended clarifying that the decision concerning an individual's security risk, while informed by the professional diagnosis, must be made by a security professional.
- Criminal Conduct. Comments about this guideline focused on the need for clarification of the types of crimes that are covered and the conditions under which these crimes require denial/revocation of a security clearance. In particular, some participants recommended weighing the seriousness of the crime by differentiating criminal conduct of felonies from misdemeanors. This would mean that repetitive crimes of a less serious nature, e.g., motor/traffic violations/offenses, would be handled under the Personal Conduct guideline.

Recommendations related to the Alcohol Consumption and Drug Involvement guidelines were similar in nature and focused primarily on the clarification of terms, such as approved and/or successfully completed rehabilitation or treatment programs, abuse versus dependence, and incidents indicative of a pattern. They also included requiring that credentialed medical professionals be approved by and acceptable to or employed by the government. Other key recommendations for these guidelines follow.

- Alcohol Consumption. Participants suggested that this guideline clearly state what is a disqualifying and a mitigating condition. For example, some recommended that self-diagnosis as an alcoholic or excessive consumption of alcohol, whether or not there are incidents related to this behavior, be considered disqualifying. Others recommended removing the requirement for abstinence as a mitigating factor as long as the medical professional did not require that the person abstain from alcohol after rehabilitation and the individual has not had any further problems after a specified time period.
- Drug Involvement. Recommendations related to this guideline primarily focused on the need for guidance in differentiating the use of and the time required for rehabilitation after using specific drugs. Some recommended returning to the previous guidelines which provided definitions of use (e.g., experimental, occasional, frequent, regular, and compulsive) and provided clear mitigating guidelines with time frames depending upon the type of drug and extent of use. They also suggested adding a disqualifying condition with an automatic denial/revocation for those who use drugs following the granting of a security clearance in deliberate and willful disregard of job-related anti-drug rules.

The remaining three guidelines each deal with unique types of behaviors which may or may not meet the threshold to be included in the Criminal Conduct or other guidelines. These include Financial Considerations, Security Violations, and Misuse of Information Technology.

- Financial Considerations. Participants recommended that this guideline be expanded to cover additional indicators of financial irresponsibility, e.g., consistently spending beyond one's means, excessive indebtedness, and significant negative cash flow. They also recommended adding mitigating situations in which financial problems are beyond the control of the subject and clarifying the level at which financial problems may be a security concern.
- Security Violations. Indicating that this guideline is too broad, participants recommended focusing it on the compromise of classified information or actions that clearly put classified information at risk. They also recommended adding disqualifying conditions to specifically cover serious security violations, including a series of lesser violations, whether or not classified information was actually disclosed or compromised.

- Misuse of Information Technology Systems. Given the rapid development of computer systems, it is not surprising that this guideline was considered to be the most out of date and in need of serious revision. Some noted that this guideline emphasizes hardware while the real risk today is from insiders and hackers. Recommendations ranged widely, from limiting the guideline's use only to classified systems whose misuse would cause a threat to national security to expanding the guideline to cover any misconduct concerning legal or illegal use related to security, including downloading files with viruses, installing games from home, or viewing pornographic Web sites on government computers.

Generic Issues Related to the Guidelines

During the workshop and interviews, the Adjudicators, Administrative Judges, and PSAB members discussed general issues related to the guidelines. The major issues discussed are outlined below.

Nature of the Current Guidelines. In general, participants felt that the guidelines provide workable guidance and are relatively easy to apply. In fact, one participant said, *“Do not bother to rewrite the Guidelines.”* Others, including some Administrative Judges and Adjudicators, felt that the language of the guidelines could be improved and any recommendations for changes should be reviewed not only by subject matter experts but also by those who apply the guidelines on a day-to-day basis. They noted that such a process could ensure consistency in terminology and format across the guidelines and in the timelines used in interpreting the guidelines.

The current guidelines, being more general in nature, avoid a cookbook approach to adjudication and encourage utilization of the whole-person concept in making adjudicative decisions. This very strength, however, led to recommendations such as those described above concerning the clarification of terms.

Those involved in the adjudicative process on a daily basis must deal with the natural tension that derives from making decisions based on guidelines as opposed to concrete rules where discretion is quite limited. In very complex and difficult borderline cases, this may lead to differing decisions by different adjudicative personnel. The difficulty in making adjudicative decisions in very complex and difficult cases was summarized well by one of the participants who said, *“There’s no perfectly consistent system; even Federal Judges have great disparity in sentencing decisions based on Federal Guidelines.”*

Whole-Person Concept. The whole-person concept is designed to allow the adjudicative community to weigh an applicant's disqualifying factors against mitigating factors and to make a judgment within the context of the individual. Participants noted that, *the whole-person concept kicks in at each stage of the process.* This process starts at the CAF with a review of the case and, where appropriate, the development of the SOR;

and it proceeds through the personal appearance before an Administrative Judge (if requested), the case review, and final decision by the PSAB.

Opinions varied as to the extent of the application of the whole-person concept in making adjudicative decisions. A PSAB member noted, *“The beauty of the adjudication process is discussion of the case from different viewpoints. This leads to a whole-person adjudication.”* In contrast, a senior Adjudicator stated, *“The whole-person concept is more myth than reality.”* These seemingly contradictory statements highlight the fact that the adjudicative decision-making process, by necessity, focuses primarily on disqualifying information and the determination of whether that disqualifying information has been mitigated. One reason given for this viewpoint is that adjudicative decisions are made based on limited information provided via investigations which, by their very nature, must focus on disqualifying and possible mitigating information. These investigations rarely provide information that describes the whole person.

Variations in Adjudicative Due Process Procedures. Several issues were raised by those responsible for adjudication due process, i.e., the PSAB and DOHA Appeal Board members. They pointed out that, as mandated by E.O. 12968, E.O. 10865, Directive 5200.2R, and Directive 5220.6, different processes are utilized by the PSABs, and the DOHA Appeal Board. Among these differences, the PSABs conduct a *de novo* review in which new case information can be obtained and considered in making the adjudicative decision, whereas the DOHA Appeal Board considers only the information in the clearance hearing and does not allow either the government or the appellant to introduce new evidence. Also, the personal appearances are conducted for different reasons. In cases for military and civilian employees of the DoD, the appellant’s clearance has already been denied or revoked, and it is that decision which is being appealed. In cases for employees of Defense contractors, the hearing before the Administrative Judge forms the basis for the clearance eligibility determination which is subject to appeal by either the appellant or the Government. These procedural differences can be confusing without an understanding of the statutory requirements underlying them.

Differences also exist in the processes used to document case decisions. The PSABs vary in the level of detail that they provide: All PSABs record the final decision; some record unmitigated issues; and one produces sanitized case summaries. DOHA, in contrast, creates a redacted file for all cases which contains a detailed summary of the personal appearance before the Administrative Judge, the rationale for the Judge’s decision, and the final decision. Not surprisingly, opinions varied as to what level documentation is most appropriate and useful, with the PSABs and DOHA both believing that their method is preferable.

Both PSABs and DOHA believe that it would be useful to examine those cases where the PSABs and DOHA Administrative Judges disagree, especially when the CAF and PSAB decided to deny/revoke and the DOHA Administrative Judge recommended granting the clearance/access. Lessons learned from examination of these cases could be

used to inform the entire adjudication community, including Adjudicators, Administrative Judges, and PSAB members.

Recommendations/Adjustments to the Investigative Standards

The information upon which adjudicative decisions are made is provided by the Investigative Standards. In DoD, the effectiveness of these standards is influenced by the implementing procedures used by the Defense Security Service (DSS). DSS employs a Decision Logic Table (DLT) for deciding when to collect additional information on the disqualifying factors covered by the guidelines. It should be noted that at the time of the study the DLT was undergoing revision so it was not appropriate to evaluate the DLT.

During the workshop, the participants discussed the standards as they related to the guidelines. They provided general comments on the standards and how they are implemented by DSS Investigators. Workshop participants requested that DSS Investigators obtain written statements of the subject's future intent regarding behaviors covered by the guidelines that would address the subject's intent to adhere to specific requirements contained in the guidelines. Participants also recommended that the DSS Investigators be more proactive in asking probing questions related to the most problematic guidelines: Allegiance, Foreign Influence, Foreign Preference, Outside Activities, and Misuse of Information Technology Systems. It is unclear whether the difficulties with these areas are due to the information collected or due to the guidelines themselves. Whatever the source, the DLT should be reviewed and revised along with the guidelines.

Summary of Findings, Recommendations, and Conclusions

Summary of Study Findings

The results of this study indicate that DoD has successfully implemented the Adjudicative Guidelines approved by the President. Overall, the guidelines were rated as clear and unambiguous, easy to apply, and effective in covering security issues by the people who apply them. While they also have the capability of consistent application, there are important issues which require attention.

Population Differences

The overall guideline ratings contain some important differences that appear to be a function of an interaction between specific guidelines and the type of adjudicators who apply these guidelines. In particular, for guidelines concerned with Foreign Influence and Foreign Preference, Administrative Judges differed significantly from the general population of adjudicators on all ratings and from PSAB members on ratings for ease of application and coverage.

The reason for this is not completely clear because two factors may be operating: Complexity and frequency. Certainly the cases adjudicated by Administrative Judges are,

on average, more complex than those handled by Adjudicators. By the time a case reaches a hearing, most possibilities for mitigation have been explored. By the same reasoning, PSABs also consider cases of this complexity level for all guideline areas. The difference is that PSABs rarely encounter Foreign Influence and Foreign Preference cases while Administrative Judges handle them almost monthly. Whatever the reason, Administrative Judges have a strong concern about the Foreign Influence and Foreign Preference guidelines, and their concerns should be considered if these guidelines are revised.

Specific Guidelines

Certain specific guidelines are problematic for DoD adjudicative personnel: Foreign Preference, Outside Activities, Misuse of Information Technology Systems, and Emotional/Mental and Personality Disorders. These guidelines are problematic for different reasons.

Foreign Preference and Outside Activities are concerns because in a global environment they have become more frequent and because the guidelines are unclear or are not of sufficient breadth to cover the security concern. Both of these guidelines focus on the applicant's "freedom from conflicting loyalties and potential for coercion." At issue with Foreign Preference is dual citizenship and dual passports, but this can be mitigated if dual citizenship is sanctioned by the United States. Unfortunately, there is a patchwork of sanctions which is difficult to understand, and often the sanctions are issued by different authorities. It would be a great help to those responsible for adjudicative decisions if the sanctions were sorted out and clear guidance was issued by the Department.

The problems associated with Outside Activities are concerned with the potential for the clearance holder to have conflicting interests which may compromise United States information. In the past the concern has related to any service with a foreign country, organization, individual, or representative of a foreign interest. With a global economy this type of threat increases, but there is also a potential security concern associated with outside activities with domestic organizations or interests. The study participants requested guidance on evaluating the security concerns of all outside activities, both foreign and domestic.

Misuse of Information Technology Systems has become a problematic guideline for a number of reasons. First, the growth in the technology area has been staggering, and the guideline is simply out of date. Secondly, the growth in computer systems has led to a heightened threat and an appreciation of the need for protecting all information systems, not just classified or sensitive systems. The concern is that the guideline needs to cover insider threat for all information systems. As it happens, at this time most of the cases appearing under this guideline involve issues of failure to perform duties because of misuse of computers in the workplace, a problem that not all of the study participants considered a security issue. Given the changes in this area, this guideline would benefit from a complete revision.

The final guideline that poses problems concerns Emotional/Mental and Personality Disorders. This guideline has always been problematic because of the nature of the content area. The guideline requires a professional opinion by a mental health professional, and these professionals are not experts in security. At the same time, security personnel are not experts in the mental health area and sometimes have trouble evaluating the opinions of mental health professionals. It often helps when a CAF can use the services of a mental health professional to consult on these cases. Nevertheless, this is a thorny area, and it seems unlikely that the issues associated with this guideline will be resolved easily.

Terminology

Along with the problems concerning specific guidelines, there are certain terms which are difficult to apply, including terms like recent, frequent, isolated event, successful rehabilitation, substantial financial interest, patterns of behavior, etc. These undefined terms occur throughout the guidelines and may have different meanings depending upon the guidelines in which they appear. For instance, abstinence from alcohol for one year may be indicative of successful rehabilitation while rehabilitation from addictive sexual behavior may require five or more years. When the adjudicative community has to rely on these vague terms, an element is introduced that can contribute to inconsistencies in the adjudicative process. To reduce the impact of these vague terms, it is recommended that the Department develop guidance and examples to help clarify these terms. It is also recommended that the individuals who apply the guidelines participate in the development of this guidance.

Consistency

While the guidelines have the capability for consistent application, issues were raised in this study which require further attention. In a workshop where senior Adjudicators provided recommendations on a sample of complex cases to grant or deny/revoke eligibility, there was 81% agreement among the participants about the case decisions. When these recommendations were checked against the final determinations by the CAFs, there was only 62% agreement between the workshop participants and the official decision. This preliminary finding suggests there may be different interpretations of the guidelines at different levels of the adjudicative process. This issue should be examined across the Department.

Study Recommendations

The study findings suggest that the Department undertake further review of selected adjudicative guidelines, formalize a process for adjudicative community review, and systematically address the issue of the consistency of adjudicative decisions.

Recommendation 1. Revision of Selected Guidelines

The study points out that revisions are needed for guidelines pertaining to Foreign

Preference, Outside Activities, Misuse of Information Technology Systems, and Emotional/Mental and Personality Disorders. It is recommended that DoD, working with the rest of the security community, initiate workshops to revise these guidelines. In a parallel effort, DoD should bring together investigative and adjudicative personnel to review the changes in the guidelines and to revise the DLT accordingly.

Recommendation 2. Adjudicative Community Review

It became obvious during the study workshop that the DoD adjudicative community would benefit from regularly scheduled sessions where members from across the community adjudicate and discuss selected complex cases and the application of the guidelines in these cases. This would assist the Department in developing implementation guidance for the guidelines and would provide a realistic training opportunity for those responsible for making adjudicative decisions. It is recommended that DoD institute a periodic community review of selected complex cases, with the output from this process disseminated to the adjudicative community as a whole.

Recommendation 3. Systematic Study of Adjudicative Consistency

The study found that the guidelines have the capability for consistent application when applied by senior Adjudicators from different CAFs. It also found that there may be differences in application of the guidelines at different levels of review. The scope of the study did not include review of the consistency of application of the guidelines across and within CAFs, the DOHA Administrative Judges, and the PSABs, therefore it is recommended that DoD authorize a study to examine further consistency across and within the Department. The results of such an initiative would enable the DoD to provide further guidance in interpreting and applying the guidelines and would help identify areas where training is needed.

Conclusion

This study was undertaken by the DoD to evaluate how the Adjudicative Guidelines and Investigative Standards, approved by the President in 1997, have been implemented by the Department since 1998. The study has confirmed that, in general, the Adjudicative Guidelines are efficient and effective for making adjudicative decisions, the guidelines have the capability for consistent application across the DoD adjudicative community, and the Investigative Standards are moderately effective in providing the information needed to apply the guidelines. The study has also identified adjustments needed to improve specific guidelines and the information provided by the Investigative Standards for applying these guidelines. Through regular workshops with representatives from the adjudicative community and further review of the consistency of decisions across the CAFs, DOHA Administrative Judges, and PSABs, the DoD can enhance the training of its adjudicative personnel and ensure the continued efficient and effective application of the guidelines. The results of such efforts can also be used to improve the implementation of the Investigative Standards through modifications to the DLT.

Appendix A

Implementation of Executive Order 12968

Appendix A-1

**Memorandum from Samuel Berger,
Assistant to the President for National Security Affairs**

The White House
Washington

March 24, 1997

MEMORANDUM FOR:

GEORGE J. TENET
JOHN P. WHITE
Co-Chairmen, Security Policy Board

SUBJECT: Implementation of Executive Order 12968

The President has approved the Adjudicative Guidelines, Temporary Eligibility Standards and Investigative Standards required by Executive Order 12968, which you submitted in draft May 28, 1996. Attached are the final documents.

The Security Policy Board is requested to circulate the approved Guidelines and Standards for immediate implementation, with this memorandum attached. Within one year of circulation, the Board should furnish to the President, through the National Security Advisor, a report on the effectiveness and efficiency of these Guidelines and Standards, compliance by departments and agencies with them and any adjustments needed.

Since application of the "whole person concept" in adjudicating persons eligible for national security clearances depends on both information the subject furnishes in the SF-86 background form and the separate investigation to verify portions of that information, it is important that the scope of both provide a sufficient basis for decision. Your work in modifying the investigative scope to fit the most cost-effective model can have the desired effect, provided we do not also unnecessarily limit the scope of the SF-86 form and personal interview. The SF-86 provided by first time applicants should cover the entire adult life, fully documenting the essential factors on which an adjudication will be made. The separate investigation independently confirms selected evidence of eligibility, generally from the most recent time frame. Therefore, the SF-86 scope should be as broad as possible, while the investigation's scope complies with the standards for efficiency.

In redrafting the SF-86 to fit the new Guidelines and Standards, you should include relevant data from the entire adult life span for first time applicants, to ensure a sufficiently documented baseline for adjudication.

While I understand that the Adjudicative Guidelines have been circulated widely, the Investigative Standards have not, because that might facilitate attempts to evade detection of disqualifying factors. The standards are not classified, but should have limited dissemination, consistent with background investigative practice.

Since the President approved Executive Order 12968, it has been brought to my attention that some departments and agencies have continued reducing resources devoted to counterintelligence and security activities. In some cases, the downsizing of these functions may be disproportional to the threat and the workload. These new Guidelines and Standards, incorporating the lessons learned from the Ames, Nicholson and Pitts espionage cases, should be fully implemented, which cannot occur with inadequate resources. I believe that security programs are not, in total, a very expensive part of our national security budget. Therefore, in implementing these new Guidelines and Standards, you should ensure that sufficient attention is given to budgeting for the requirements contained therein.

I also wish to reemphasize the importance of reciprocity in government-wide security practices (including classified contractors). While the provisions of the Guidelines and Standards should be continuously reviewed for efficiency, lowering them in the name of monetary savings could be false economy.

Thank you, the Board, the Security Policy Forum and the Committees, for your hard work in formulating the first uniform Guidelines and Standards for government-wide security background investigations.

[signed]
Samuel Berger
Assistant to the President for National Security Affairs

Attachments
Final Adjudicative Guidelines
Final Temporary Eligibility Standards
Final Investigative Standards

Appendix A-2

Adjudicative Guidelines for Determining Eligibility for Access to Classified Information

Approved by the President March 24, 1997

1. *Introduction.* The following adjudicative guidelines are established for all US government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees, and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs, and are to be used by government departments and agencies in all final clearance determinations

2. *The Adjudicative Process.* (a) The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudication process is the careful weighing of a number of variables known as the whole-person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

- (1) The nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the voluntariness of participation;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

(b) Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.

(c) The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense determination based upon careful consideration of the following, each of which is to be evaluated in the context of the whole person, as explained further below:

- (1) GUIDELINE A: Allegiance to the United States;

- (2) GUIDELINE B: Foreign Influence;
- (3) GUIDELINE C: Foreign Preference;
- (4) GUIDELINE D: Sexual Behavior;
- (5) GUIDELINE E: Personal Conduct;
- (6) GUIDELINE F: Financial Considerations;
- (7) GUIDELINE G: Alcohol Consumption;
- (8) GUIDELINE H: Drug Involvement;
- (9) GUIDELINE I: Emotional, Mental, and Personality Disorders;
- (10) GUIDELINE J: Criminal Conduct;
- (11) GUIDELINE K: Security Violations;
- (12) GUIDELINE L: Outside Activities;
- (13) GUIDELINE M: Misuse of Information Technology Systems

(d) Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

(e) When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider whether the person:

- (1) Voluntarily reported the information;
- (2) was truthful and complete in responding to questions;
- (3) sought assistance and followed professional guidance, where appropriate;
- (4) resolved or appears likely to favorably resolve the security concern;
- (5) has demonstrated positive changes in behavior and employment;
- (6) should have his or her access temporarily suspended pending final adjudication of the information.

(f) If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

GUIDELINE A: ALLEGIANCE TO THE UNITED STATES

3. *The Concern.* An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

4. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Involvement in any act of sabotage, espionage, treason, terrorism, sedition, or other act whose aim is to overthrow the Government of the United States or alter the form of government by unconstitutional means;

(b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;

(c) association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any state or subdivision, by force or violence or by other unconstitutional means;

(d) involvement in activities which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

5. *Conditions that could mitigate security concerns include:*

(a) The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

(b) the individual's involvement was only with the lawful or humanitarian aspects of such an organization;

(c) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;

(d) the person has had no recent involvement or association with such activities.

GUIDELINE B: FOREIGN INFLUENCE

6. *The Concern.* A security risk may exist when an individual's immediate family, including cohabitants and other persons to whom he or she may be bound by affection, influence, or obligation are not citizens of the United States or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

7. Conditions that could raise a security concern and may be disqualifying include:

- (a) An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country;
- (b) sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists;
- (c) relatives, cohabitants, or associates who are connected with any foreign government;
- (d) failing to report, where required, associations with foreign nationals;
- (e) unauthorized association with a suspected or known collaborator or employee of a foreign intelligence service;
- (f) conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government;
- (g) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, coercion or pressure;
- (h) a substantial financial interest in a country, or in any foreign owned or operated business that could make the individual vulnerable to foreign influence.

8. Conditions that could mitigate security concerns include:

- (a) A determination that the immediate family member(s) (spouse, father, mother, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States;
- (b) contacts with foreign citizens are the result of official US Government business;
- (c) contact and correspondence with foreign citizens are casual and infrequent;
- (d) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons or organizations from a foreign country;
- (e) foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

GUIDELINE C: FOREIGN PREFERENCE

9. The Concern. When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

10. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) The exercise of dual citizenship;
- (b) possession and/or use of a foreign passport;
- (c) military service or a willingness to bear arms for a foreign country;
- (d) accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country;
- (e) residence in a foreign country to meet citizenship requirements;
- (f) using foreign citizenship to protect financial or business interests in another country;
- (g) seeking or holding political office in the foreign country;
- (h) voting in foreign elections; and
- (i) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States

11. *Conditions that could mitigate security concerns include:*

- (a) Dual citizenship is based solely on parents' citizenship or birth in a foreign country;
- (b) indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship;
- (c) activity is sanctioned by the United States;
- (d) individual has expressed a willingness to renounce dual citizenship.

GUIDELINE D: SEXUAL BEHAVIOR

12. *The Concern.* Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, may subject the individual to undue influence or coercion, exploitation, or duress, or reflects lack of judgment or discretion.¹ Sexual orientation or preference may not be used as a basis for or a disqualifying factor in determining a person's eligibility for a security clearance.

¹The adjudicator should also consider guidelines pertaining to criminal conduct (Guideline J) and emotional, mental, and personality disorders (Guideline I) in determining how to resolve the security concerns raised by sexual behavior.

13. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- (b) compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive or high-risk behavior or that which is symptomatic of a personality disorder;
- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;
- (d) sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

14. *Conditions that could mitigate security concerns include:*

- (a) The behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;
- (b) the behavior was not recent and there is no evidence of subsequent conduct of a similar nature;
- (c) there is no other evidence of questionable judgment, irresponsibility, or emotional instability;
- (d) the behavior no longer serves as a basis for coercion, exploitation, or duress.

GUIDELINE E: PERSONAL CONDUCT

15. *The Concern.* Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

- (a) Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or
- (b) refusal to complete required security forms, releases, or provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

16. *Conditions that could raise a security concern and may be disqualifying also include:*

- (a) Reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;
- (b) the deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

- (c) deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination;
- (d) personal conduct or concealment of information that increases an individual's vulnerability to coercion, exploitation or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;
- (e) a pattern of dishonesty or rule violations, including violation of any written or recorded agreement made between the individual and the agency;
- (f) association with persons involved in criminal activity.

Conditions that could mitigate security concerns include:

- (a) The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;
- (b) the falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;
- (c) the individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;
- (d) omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided;
- (e) the individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress;
- (f) a refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;
- (g) association with persons involved in criminal activities has ceased.

GUIDELINE F: FINANCIAL CONSIDERATIONS

18. *The Concern.* An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

19. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) A history of not meeting financial obligations;

(b) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

(c) inability or unwillingness to satisfy debts;

(d) unexplained affluence;

(e) financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of security concern.

20. Conditions that could mitigate security concerns include:

(a) The behavior was not recent;

(b) it was an isolated incident;

(c) the conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);

(d) the person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;

(e) the affluence resulted from a legal source; and

(f) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

GUIDELINE G: ALCOHOL CONSUMPTION

21. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

22. Conditions that could raise a security concern and may be disqualifying include:

(a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use;

(b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job;

(c) diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

- (d) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;
- (e) habitual or binge consumption of alcohol to the point of impaired judgment;
- (f) consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program

23. Conditions that could mitigate security concerns include:

- (a) The alcohol related incidents do not indicate a pattern;
- (b) the problem occurred a number of years ago and there is no indication of a recent problem;
- (c) positive changes in behavior supportive of sobriety;
- (d) following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participated frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

GUIDELINE H: DRUG INVOLVEMENT

24. The Concern.

- (a) Improper or illegal involvement with drugs raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information.
- (b) Drugs are defined as mood and behavior altering substances, and include: (1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances.
- (c) Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

25. Conditions that could raise a security concern and may be disqualifying include:

- (a) Any drug abuse (see above definition);
- (b) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution;

(c) diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

(d) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

(e) failure to successfully complete a drug treatment program prescribed by a credentialed medical professional. Recent drug involvement, especially following the granting of a security clearance, or an expressed intent not to discontinue use, will almost invariably result in an unfavorable determination.

26. Conditions that could mitigate security concerns include:

(a) The drug involvement was not recent;

(b) the drug involvement was an isolated or infrequent event;

(c) a demonstrated intent not to abuse any drugs in the future;

(d) satisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional.

GUIDELINE I: EMOTIONAL, MENTAL, AND PERSONALITY DISORDERS

27. The Concern. Emotional, mental, and personality disorders can cause a significant deficit in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability or stability. A credentialed mental health professional (e.g., clinical psychologist or psychiatrist), employed by, acceptable to or approved by the government, should be utilized in evaluating potentially disqualifying and mitigating information fully and properly, and particularly for consultation with the individual's mental health care provider.

28. Conditions that could raise a security concern and may be disqualifying include:

(a) An opinion by a credentialed mental health professional that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;

(b) information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a condition, e.g. failure to take prescribed medication;

(c) a pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;

(d) information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

29. *Conditions that could mitigate security concerns include:*

- (a) There is no indication of a current problem;
- (b) recent diagnosis by a credentialed mental health professional that an individual's previous emotional, mental, or personality disorder is cured, under control or in remission and has a low probability of recurrence or exacerbation;
- (c) the past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

GUIDELINE J: CRIMINAL CONDUCT

30. *The Concern.* A history or pattern of criminal activity creates doubt about a person's judgment, reliability and trustworthiness.

31. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;
- (b) a single serious crime or multiple lesser offenses.

32. *Conditions that could mitigate security concerns include:*

- (a) The criminal behavior was not recent;
- (b) the crime was an isolated incident;
- (c) the person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;
- (d) the person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;
- (e) acquittal;
- (f) there is clear evidence of successful rehabilitation.

GUIDELINE K: SECURITY VIOLATIONS

33. *The Concern.* Noncompliance with security regulations raises doubt about an individual's trustworthiness, willingness, and ability to safeguard classified information.

34. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) Unauthorized disclosure of classified information;
- (b) violations that are deliberate or multiple or due to negligence.

35. *Conditions that could mitigate security concerns include actions that:*

- (a) Were inadvertent;
- (b) were isolated or infrequent;
- (c) were due to improper or inadequate training;
- (d) demonstrate a positive attitude towards the discharge of security responsibilities.

GUIDELINE L: OUTSIDE ACTIVITIES

36. *The Concern.* Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

37. *Conditions that could raise a security concern and may be disqualifying include:* Any service, whether compensated, volunteer, or employment with:

- (a) A foreign country;
- (b) any foreign national;
- (c) a representative of any foreign interest;
- (d) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

38. *Conditions that could mitigate security concerns include:*

- (a) Evaluation of the outside employment or activity indicates that it does not pose a conflict with an individual's security responsibilities;
- (b) the individual terminates the employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities.

GUIDELINE M: MISUSE OF INFORMATION TECHNOLOGY SYSTEMS

39. *The Concern.* Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's trustworthiness, willingness, and ability to properly protect classified systems, networks, and

information. Information Technology Systems include all related equipment used for the communication, transmission, processing, manipulation, and storage of classified or sensitive information.

40. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) Illegal or unauthorized entry into any information technology system;
- (b) illegal or unauthorized modification, destruction, manipulation or denial of access to information residing on an information technology system;
- (c) removal (or use) of hardware, software, or media from any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;
- (d) introduction of hardware, software, or media into any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations.

41. *Conditions that could mitigate security concerns include:*

- (a) The misuse was not recent or significant;
- (b) the conduct was unintentional or inadvertent;
- (c) the introduction or removal of media was authorized;
- (d) the misuse was an isolated event;
- (e) the misuse was followed by a prompt, good-faith effort to correct the situation.

Appendix A-3

Investigative Standards for Background Investigations for Access to Classified Information

1. **Introduction.** The following investigative standards are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders, or grantees and their employees, and other individuals who require access to classified information, to include Sensitive Compartmented Information and Special Access Programs, and are to be used by government departments and agencies as the investigative basis for final clearance determinations. However, nothing in these standards prohibits an agency from using any lawful investigative procedures in addition to these requirements in order to resolve any issue identified in the course of a background investigation or reinvestigation.

2. **The Three Standards.** There are three standards (Table 1 in the Appendix summarizes when to use each one):

(a) The investigation and reinvestigation standards for "L" access authorizations and for access to CONFIDENTIAL and SECRET (including all SECRET-level Special Access Programs not specifically approved for enhanced investigative requirements by an official authorized to establish Special Access Programs by sect. 4.4 of Executive Order 12958);

(b) the investigation standard for "Q" access authorizations and for access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and

(c) the reinvestigation standard for continued access to the levels listed in para. 2(b).

3. **Exception to Periods of Coverage.** Some elements of standards specify a period of coverage (e.g., seven years). Where appropriate, such coverage may be shortened to the period from the subject's eighteenth birthday to the present or to two years, whichever is longer.

4. **Expanding Investigations.** Investigations and reinvestigations may be expanded under the provisions of Executive Order 12968 and other applicable statutes and Executive Orders.

5. **Transferability.** Investigations that satisfy the requirements of a given standard and are current meet the investigative requirements for all levels specified for the standard. They shall be mutually and reciprocally accepted by all agencies.

6. **Breaks in Service.** If a person who requires access has been retired or separated from US Government employment for less than two years and is the subject of an investigation that is otherwise current, the agency regranting the access will, as a minimum, review an updated Standard Form 86 and applicable records. A reinvestigation is not required unless the review indicates the person may no longer satisfy the standards of Executive Order 12968 (see Table 2).

7. **The National Agency Check.** The National Agency Check is a part of all investigations and reinvestigations. It consists of a review of (a) investigative and criminal history files of the FBI, including a technical fingerprint search;

- (b) OPM's Security/Suitability Investigations Index;
- (c) DoD's Defense Clearance and Investigations Index; and
- (d) such other national agencies (e.g., CIA, INS) as appropriate to the individual's background.

STANDARD A

National Agency Check with Local Agency Checks and Credit Check (NACLC)

8. **Applicability.** Standard A applies to investigations and reinvestigations for (a) access to CONFIDENTIAL and SECRET (including all SECRET-level Special Access Programs not specifically approved for enhanced investigative requirements by an official authorized to establish Special Access Programs by sect. 4.4 of Executive Order 12958), and (b) "L" access authorizations.

9. **For Reinvestigations: When to Reinvestigate.** The reinvestigation may be initiated at any time following completion of, but not later than ten years (fifteen years for CONFIDENTIAL) from the date of, the previous investigation or reinvestigation. (Table 2 reflects the specific requirements for when to request a reinvestigation, including when there has been a break in service.)

10. **Investigative Requirements.** Investigative requirements are as follows:

(a) **Completion of Forms:** Completion of Standard Form 86, including applicable releases and supporting documentation.

(b) **National Agency Check:** Completion of a National Agency Check.

(c) **Financial Review:** Verification of the subject's financial status, including credit bureau checks covering all locations where the subject has resided, been employed, or attended school for six months or more for the past seven years.

(d) **Date and Place of Birth:** Corroboration of date and place of birth through a check of appropriate documentation, if not completed in any previous investigation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.

(e) **Local Agency Checks:** As a minimum, all investigations will include checks of law enforcement agencies having jurisdiction where the subject has lived, worked, and/or attended school within the last five years, and, if applicable, of the appropriate agency for any identified arrests within the last five years.

11. **Expanding for Issues.** The investigation may be expanded if necessary to determine if access is clearly consistent with the national security.

STANDARD B

Single Scope Background Investigation (SSBI)

12. **Applicability.** Standard B applies to initial investigations for (a) access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and (b) "Q" access authorizations.

13. **Investigative Requirements.** Investigative requirements are as follows:

(a) **Completion of Forms:** Completion of standard Form 86, including applicable releases and supporting documentation.

(b) **National Agency Check:** Completion of a National Agency Check.

(c) **National Agency Check for the Spouse or Cohabitant (if applicable):** Completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant.

(d) **Date and Place of Birth:** Corroboration of date and place of birth through a check of appropriate documentation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.

(e) **Citizenship:** For individuals born outside the United States, verification of US citizenship directly from the appropriate registration authority; verification of US citizenship or legal status of foreign-born immediate family members (spouse, cohabitant, father, mother, sons, daughters, brothers, sisters).

(f) **Education:** Corroboration of most recent or most significant claimed attendance, degree, or diploma. Interviews of appropriate educational sources if education is a primary activity of the subject during the most recent three years.

(g) **Employment.** Verification of all employments for the past seven years, personal interviews of sources (supervisors, coworkers, or both) for each employment of six months or more; corroboration through records or sources of all periods of unemployment exceeding sixty days; verification of all prior federal and military service, including discharge type. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.

(h) **References:** Four references, of whom at least two are developed; to the extent practicable, all should have social knowledge of the subject and collectively span at least the last seven years.

(i) **Former Spouse:** An interview of any former spouse divorced within the last ten years.

(j) **Neighborhoods:** Confirmation of all residences for the last three years through appropriate interviews with neighbors and through records reviews.

(k) **Financial Review:** Verification of the subject's financial status, including credit bureau checks covering all locations where the subject has resided, been employed, and/or attended school for six months or more for the last seven years.

(l) **Local Agency Checks:** A check of appropriate criminal history records covering all locations where, for the last ten years, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment, or education exceeds six months, local agency checks should be performed as deemed appropriate.)

(m) **Public Records:** Verification of divorces, bankruptcies, and other court actions, whether civil or criminal, involving the subject.

(n) **Subject Interview:** A subject interview, conducted by trained security, investigative, or counterintelligence personnel. During the investigation, additional subject interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.

(o) **Polygraph (only in agencies with approved personnel security polygraph programs):** In departments or agencies with policies sanctioning the use of the polygraph for personnel security purposes, the investigation may include a polygraph examination, conducted by a qualified polygraph examiner.

14. **Expanding the Investigation.** The investigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals may be conducted.

STANDARD C

Single Scope Background Investigation--Periodic Reinvestigation (SSBI-PR)

15. **Applicability.** Standard C applies to reinvestigations for:

(a) Access to TOP SECRET (including TOP SECRET Special Access Programs) and Sensitive Compartmented Information; and

(b) "Q" access authorizations.

16. **When to Reinvestigate.** The reinvestigation may be initiated at any time following completion of, but not later than five years from the date of, the previous investigation (see Table 2).

17. **Reinvestigative Requirements.** Reinvestigative requirements are as follows:

(a) **Completion of Forms:** Completion of Standard Form 86, including applicable releases and supporting documentation.

(b) **National Agency Check:** Completion of a National Agency Check (fingerprint cards are required only if there has not been a previous valid technical check of the FBI).

(c) **National Agency Check for the Spouse or Cohabitant (if applicable):** Completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant. The National Agency Check for the spouse or cohabitant is not required if already completed in conjunction with a previous investigation or reinvestigation.

(d) **Employment:** Verification of all employments since the last investigation. Attempts to interview a sufficient number of sources (supervisors, coworkers, or both) at all employments of six months or more. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.

(e) **References:** Interviews with two character references who are knowledgeable of the subject; at least one will be a developed reference. To the extent practical, both should have social knowledge of the subject and collectively span the entire period of the reinvestigation. As appropriate, additional interviews may be conducted, including with cohabitants and relatives.

(f) **Neighborhoods:** Interviews of two neighbors in the vicinity of the subject's most recent residence of six months or more. Confirmation of current residence regardless of length.

(g) **Financial Review:** (1) **Financial Status:** Verification of the subject's financial status, including credit bureau checks covering all locations where subject has resided, been employed, and/or attended school for six months or more for the period covered by the reinvestigation;

(2) **Check of Treasury's Financial Data Base:** Agencies may request the Department of the Treasury, under terms and conditions prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, and transactions under \$10,000 that are reported as possible money laundering violations.

(h) **Local Agency Checks:** A check of appropriate criminal history records covering all locations where, during the period covered by the reinvestigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment or education exceeds six months, local agency checks should be performed as deemed appropriate.)

(i) **Former Spouse:** An interview with any former spouse unless the divorce took place before the date of the last investigation or reinvestigation.

(j) **Public Records:** Verification of divorces, bankruptcies and other court actions, whether civil or criminal, involving the subject since the date of the last investigation.

(k) **Subject Interview:** A subject interview, conducted by trained security, investigative, or counterintelligence personnel. During the reinvestigation, additional subject interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.

18. **Expanding the Reinvestigation:** The reinvestigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals may be conducted.

Appendix B

Survey Instruments

Appendix B-1
DoD Adjudicator Survey

DoD Adjudicator Survey

**Evaluation of
Adjudicative Guidelines and
Investigative Standards**

October 1999

The Survey

This survey is part of an effort to evaluate the effectiveness and efficiency of the Adjudicative Guidelines and Investigative Standards as implemented within the Department of Defense (DoD). The goal of this survey is to gather data about:

- The clarity, ambiguity, and ease of use of the Adjudicative Guidelines;
- The ability of the Investigative standards to provide the information needed to make adjudicative decisions; and
- The usefulness of reference resources such as the Adjudicative Desk Reference (ADR).

This is an evaluation of the Guidelines and Standards – not of individual adjudicative agencies.

This survey is being sent to all DoD employees who are responsible for applying the Adjudicative Guidelines in grades GS5-15. This includes Adjudicators, Supervisors of Adjudicators, Administrative Judges, and CAF Managers and Chiefs.

We would appreciate your help since you are obviously in the best position to provide us with this information.

Your responses to this survey will be used only for research purposes and will be held in confidence by the Security Research Center (SRC) and it's contractor, Swan Research, Inc. The data will be reported in aggregate fashion to ensure that responses of individuals cannot be identified.

Please read the instructions carefully and complete the survey within ten (10) working days of its delivery to you. When you finish, place the completed survey in the envelope provided and return the sealed envelope to your representative. The representative will return it unopened to Swan Research, Inc.

We appreciate your assistance in this effort.

Instructions

Deadline: 5 November 1999

Reference Material: Most of the questions in this survey refer to specific Adjudicative Guidelines and/or Investigative Standards. When answering these questions, please refer to your personal copy of the latest Guidelines and Standards.

This survey should take approximately 45 minutes to complete. It consists of questions that have four response formats: (1) circle the response, (2) check one or more responses, (3) fill in the blank, and (4) write-in.

Circle the Response: Please circle your answer in this survey booklet. For example:

Rate the degree to which each Guideline is clear and unambiguous. (Indicate ONE answer for each Guideline)

	Very Unclear	Unclear	Neutral	Clear	Very Clear
A. Allegiance	1	2	3	4	5
B. Foreign Influence	1	2	3	4	5

If you select the response "Clear" as your answer, simply circle "2" as shown above. Circle only ONE answer for each question. If you change an answer, please erase completely. If a question does not apply to you, or you have no idea how to answer, skip it.

Check One or More Responses: For these items, place a check (✓) next to the appropriate number of answers.

Is your present Position Title that of Personnel Security Specialist or Officer? (Check one)

(1) ☒ Yes (2) ☐ No

Fill-in the Blank Responses: Answer these questions with 2-digit responses. For example, 1 percent should be recorded as 01% ; 10 percent should be recorded as 10%; 2 years as 02, etc. See the example below:

Number of years in your present grade. (Enter 2-digit number of years below.)

 0 1 Years

Write-in Responses: Write-in your answers in the space provided after each question. Your comments will be edited to protect confidentiality and analyzed to identify major themes.

When answering, it is important to answer based on your current experience as an Adjudicator (as opposed to how you think management or others would like you to answer). There are no right or wrong answers. The usefulness of this study depends upon the frankness with which you answer each question.

Section 1: Position and Grade

1. What is your present Position Title? (Check one)

- (1) _____ Personnel Security Specialist
- (2) _____ Supervisory Personnel Security Specialist
- (3) _____ Administrative Judge
- (4) _____ Other (Please specify):

2. What is your present grade level? (Check one)

- (1) _____ GS 05-06
- (2) _____ GS 07-08
- (3) _____ GS 09-10
- (4) _____ GS 11
- (5) _____ GS 12
- (6) _____ GS 13
- (7) _____ GS 14
- (8) _____ GS 15

Section 2: Your Present Job

3. In which agency do you work? (Check one)

- (1) _____ Army CCF
- (2) _____ DONCAF
- (3) _____ Department of Navy (other than DONCAF)
- (4) _____ Air Force CAF
- (5) _____ Air Force SAF/AQL
- (6) _____ JCS
- (7) _____ DIA
- (8) _____ NSA
- (9) _____ NRO
- (10) _____ OC-C
- (11) _____ WHS
- (12) _____ DOHA (Arlington, VA)

- (13) _____ DOHA (Columbus, OH)
- (14) _____ Other (Specify)

4. Which type of clearances/access do you handle in your present position? (Check as many as apply)

- _____ a. Confidential
- _____ b. Secret
- _____ c. Top Secret
- _____ d. Sensitive Compartmented Information
- _____ e. Special Programs
- _____ f. Other (Please specify):

Section 3: Adjudicative Experience

5. Number of years you have been responsible for applying the adjudicative guidelines including current and other agencies? (Enter 2-digit number of years below.)

____ _ Years

6. Number of years you have been responsible for applying the adjudicative guidelines at your current agency? (Enter 2-digit number of years below.)

____ _ Years

7. Number of years in your present grade? (Enter 2-digit number of years below.)

____ _ Years

Section 4: Specific Guidelines

(Presented on pages 5 – 17 which follow.)

Guideline A. Allegiance to the United States

8. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline A – Allegiance to the United States? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

9. **CLARITY:** Rate the degree to which each Guideline A – Allegiance to the United States provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

10. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline A – Allegiance to the United States in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

11. **INFORMATION PROVIDED BY STANDARDS:**

Rate the extent to which the Investigative Standards provide the information needed to apply Guideline A – Allegiance to the United States. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

12. **COVERAGE OF SECURITY CONCERNS:**

How adequate is Guideline A – Allegiance to the United States in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

13. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline A – Allegiance to the United States:

Guideline B. Foreign Influence

14. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline B – Foreign Influence? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

15. **CLARITY:** Rate the degree to which each Guideline B – Foreign Influence provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

16. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline B – Foreign Influence in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

17. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline B – Foreign Influence. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

18. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline B – Foreign Influence in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

19. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline B – Foreign Influence:

Guideline C. Foreign Preference

20. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline C – Foreign Preference? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

21. **CLARITY:** Rate the degree to which each Guideline C – Foreign Preference provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

22. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline C – Foreign Preference in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

23. **INFORMATION PROVIDED BY STANDARDS:**

Rate the extent to which the Investigative Standards provide the information needed to apply Guideline C – Foreign Preference. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

24. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline C – Foreign Preference in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

25. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline C – Foreign Preference:

Guideline D. Sexual Behavior

26. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline D – Sexual Behavior? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

27. **CLARITY:** Rate the degree to which each Guideline D – Sexual Behavior provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

28. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline D – Sexual Behavior in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

29. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline D – Sexual Behavior. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

30. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline D – Sexual Behavior in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

31. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline D – Sexual Behavior:

Guideline E. Personal Conduct

32. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline E – Personal Conduct? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

33. **CLARITY:** Rate the degree to which each Guideline E – Personal Conduct provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

34. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline E – Personal Conduct in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

35. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline E – Personal Conduct. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

36. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline E – Personal Conduct in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

37. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline E – Personal Conduct:

Guideline F. Financial Considerations

38. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline F – Financial Considerations? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

39. **CLARITY:** Rate the degree to which each Guideline F - Financial Considerations provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

40. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline F – Financial Considerations in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

41. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline F – Financial Considerations. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

42. **COVERAGE OF SECURITY CONCERNS:**

How adequate is Guideline F - Financial Considerations in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

43. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline F – Financial Considerations:

Guideline G. Alcohol Consumption

44. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline G – Alcohol Consumption? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

45. **CLARITY:** Rate the degree to which each Guideline G - Alcohol Consumption provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

46. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline G – Alcohol Consumption in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

47. **INFORMATION PROVIDED BY STANDARDS:**

Rate the extent to which the Investigative Standards provide the information needed to apply Guideline G – Alcohol Consumption. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

48. **COVERAGE OF SECURITY CONCERNS:**

How adequate is Guideline G – Alcohol Consumption in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

49. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline G – Alcohol Consumption:

Guideline H. Drug Involvement

50. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline H – Drug Involvement? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

51. **CLARITY:** Rate the degree to which each Guideline H – Drug Involvement provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

52. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline H – Drug Involvement in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

53. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline H – Drug Involvement. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

54. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline H – Drug Involvement in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

55. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline H – Drug Involvement:

Guideline I. Emotional, Mental & Personality Disorders

56. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline I – Emotional, Mental & Personality Disorders? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

57. **CLARITY:** Rate the degree to which each Guideline I – Emotional, Mental & Personality Disorders provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

58. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline I – Emotional, Mental & Personality Disorders in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

59. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline I – Emotional, Mental & Personality Disorders. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

60. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline I – Emotional, Mental & Personality Disorders in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

61. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline I – Emotional, Mental & Personality Disorders:

Guideline J. Criminal Conduct

62. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline J – Criminal Conduct? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

63. **CLARITY:** Rate the degree to which each Guideline J – Criminal Conduct provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

64. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline J – Criminal Conduct in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

65. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline J – Criminal Conduct. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

66. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline J – Criminal Conduct in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

67. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline J – Criminal Conduct:

Guideline K. Security Violations

68. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline K – Security Violations? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

69. **CLARITY:** Rate the degree to which each Guideline K – Security Violations provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

70. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline K – Security Violations in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

71. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline K – Security Violations. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

72. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline K – Security Violations in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

73. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline K – Security Violations:

Guideline L. Outside Activities

74. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline L – Outside Activities? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

75. **CLARITY:** Rate the degree to which each Guideline L – Outside Activities provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

76. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline L – Outside Activities in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

77. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline L – Outside Activities. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

78. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline L – Outside Activities in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

79. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline L – Outside Activities:

Guideline M. Misuse of Information Technology Systems

80. **FREQUENCY OF USE:** Considering the cases you handled over the last 12 months, how frequently have you applied Guideline M – Misuse of Information Technology Systems? (Check one)

- (1) _____ Daily
- (2) _____ Weekly
- (3) _____ Monthly
- (4) _____ Quarterly
- (5) _____ Yearly

81. **CLARITY:** Rate the degree to which each Guideline M – Misuse of Information Technology Systems provides clear and unambiguous guidance for making adjudicative decisions. (Check one)

- (1) _____ Very Clear
- (2) _____ Clear
- (3) _____ Neither Clear nor Unclear
- (4) _____ Unclear
- (5) _____ Very Unclear

82. **EASE OF APPLICATION:** Rate the level of ease or difficulty you have in applying Guideline M – Misuse of Information Technology Systems in making adjudicative decisions. (Check one)

- (1) _____ Very Easy
- (2) _____ Easy
- (3) _____ Neither Easy nor Difficult
- (4) _____ Difficult
- (5) _____ Very Difficult

83. **INFORMATION PROVIDED BY STANDARDS:** Rate the extent to which the Investigative Standards provide the information needed to apply Guideline M – Misuse of Information Technology Systems. (Check one)

- (1) _____ Very Great Extent
- (2) _____ Great Extent
- (3) _____ Moderate Extent
- (4) _____ Slight Extent
- (5) _____ Not at All

84. **COVERAGE OF SECURITY CONCERNS:** How adequate is Guideline M – Misuse of Information Technology Systems in covering all relevant security concerns? (Check one)

- (1) _____ Very Adequate
- (2) _____ Adequate
- (3) _____ Somewhat Adequate
- (4) _____ Inadequate
- (5) _____ Very Inadequate

If you selected “Inadequate” or “Very Inadequate,” briefly explain why.

85. **RECOMMENDATIONS:** Please provide recommendations for improving Guideline M – Misuse of Information Technology Systems:

Section 5: Multiple Issues

86. What percentage of the derogatory cases you handled over the last 12 months involved multiple issues? (Enter 2-digit percent below)

___ %

87. To what extent do you find it easy or difficult to apply multiple Guidelines in making an adjudicative decision? (Check one)

- (1) ___ Very Easy
- (2) ___ Easy
- (3) ___ Neither Easy nor Difficult
- (4) ___ Difficult
- (5) ___ Very Difficult

88. Often times cases have multiple “borderline” issues (that is, although the subject would not be disqualified on any one Guideline, he/she has demonstrated behaviors suggesting security concerns). How should the Guidelines address these types of cases? (Check one)

- (1) ___ Apply appropriate individual Guidelines.
- (2) ___ Apply current Guideline E – Personal Conduct.
- (3) ___ Strengthen and apply Guideline E – Personal Conduct to cover multiple borderline issues.
- (4) ___ Develop a separate Guideline (including Disqualifying and Mitigating conditions) to handle multiple
- (5) ___ Other (Please specify):

Section 6: Final Questions

89. **SPECIAL EXPERTISE:** To what extent do you believe that Adjudicators at your grade and experience level need access to professionals with special expertise outside the adjudicative community (e.g., legal, medical, technology) in order to apply the Guidelines? (Check one)

- (1) ___ Very Great Extent
- (2) ___ Great Extent
- (3) ___ Moderate Extent
- (4) ___ Slight Extent
- (5) ___ Not at All

If you selected “Very Great Extent” or “Great Extent,” list the types of expertise needed.

90. **USE OF RESOURCES:** To what extent do you use the following resources in applying the Guidelines? (Circle the rating next to each type of reference)

	<div>Not at All</div> <div>Slight Extent</div> <div>Moderate Extent</div> <div>Great Extent</div> <div>Very Great Extent</div>				
	1	2	3	4	5
a. Agency policy guidelines	1	2	3	4	5
b. 5200.2R	1	2	3	4	5
c. DCID-1/14	1	2	3	4	5
d. Adjudicator Reference Guide	1	2	3	4	5
e. Blacks Law Dictionary	1	2	3	4	5
f. DSM-IV	1	2	3	4	5
g. Other, specify and rate:	1	2	3	4	5
	1	2	3	4	5
	1	2	3	4	5

92. Other comments:

Thank you for your participation. Please place and seal the completed questionnaire in the envelope and return it to your representative before 5 November 1999.

91. **TRAINING:** To what extent do Adjudicators at your grade and experience level need additional training in applying the Guidelines? (Check one)

- (1) _____ Very Great Extent
 (2) _____ Great Extent
 (3) _____ Moderate Extent
 (4) _____ Slight Extent
 (5) _____ Not at All

Appendix B-2

DoD Personnel Security Appeal Board Survey

(Includes only those items from the DoD Adjudicator Survey which were edited for the PSABs.)

DoD Personnel Security Appeal Board Survey

Evaluation of Adjudicative Guidelines and Investigative Standards

February 2000

The Survey

This survey is part of an effort to evaluate the effectiveness and efficiency of the Adjudicative Guidelines and Investigative Standards as implemented within the Department of Defense (DoD). The goal of this survey is to gather data about:

- The clarity, ambiguity, and ease of use of the Adjudicative Guidelines;
- The ability of the Investigative Standards to provide the information needed to make adjudicative decisions; and
- The usefulness of reference resources such as the Adjudicative Desk Reference (ADR).

This is an evaluation of the Guidelines and Standards – not of individual adjudicative agencies.

This survey is being sent to all DoD employees who are responsible for applying the Adjudicative Guidelines in grades GS5-15. This includes Personnel Security Appeal Board (PSAB) members, Adjudicators, Supervisors of Adjudicators, Administrative Judges, and CAF Managers and Chiefs.

We would appreciate your help since you are obviously in the best position to provide us with this information.

Your responses to this survey will be used only for research purposes and will be held in confidence by the Security Research Center (SRC) and it's contractor, Swan Research, Inc. The data will be reported in aggregate fashion to ensure that responses of individuals cannot be identified.

Please read the instructions carefully and complete the survey within ten (10) working days of its delivery to you. When you finish, place the completed survey in the envelope provided and return the sealed envelope to your PSAB Coordinator. The Coordinator will return it unopened to Swan Research, Inc.

We appreciate your assistance in this effort.

Instructions

Deadline: 21 February 2000

Reference Material: Most of the questions in this survey refer to specific Adjudicative Guidelines and/or Investigative Standards. When answering these questions, please refer to your personal copy of the latest Guidelines and Standards.

This survey should take approximately 45 minutes to complete. It consists of questions that have four response formats: (1) circle the response, (2) check one or more responses, (3) fill in the blank, and (4) write-in.

Circle the Response: Please circle your answer in this survey booklet. For example:

Rate the degree to which each Guideline is clear and unambiguous. (Indicate ONE answer for each Guideline)

	Very Unclear	Unclear	Neutral	Clear	Very Clear
A. Allegiance	1	2	3	4	5
B. Foreign Influence	1	2	3	4	5

If you select the response “Clear” as your answer, simply circle “2” as shown above. Circle only ONE answer for each question. If you change an answer, please erase completely. If a question does not apply to you, or you have no idea how to answer, skip it.

Check One or More Responses: For these items, place a check (✓) next to the appropriate number of answers.

Are you presently a member of a DoD Personnel Security Appeal Board (PSAB)? (Check one)

(1) ☒ Yes (2) ☐ No

Fill-in the Blank Responses: Answer these questions with 2-digit responses. For example, 1 percent should be recorded as 01% ; 10 percent should be recorded as 10%; 2 months as 02, etc. See the example below:

Number of months as a Personnel Security Appeal Board member. (Enter 2-digit number of months below.)

 0 1 Months

Write-in Responses: Write-in your answers in the space provided after each question. Your comments will be edited to protect confidentiality and analyzed to identify major themes.

When answering, it is important to answer based on your current experience as an Appeal Board member. There are no right or wrong answers. The usefulness of this study depends upon the frankness with which you answer each question.

Section 1: Background

1. Are you a voting or non-voting member of a DoD Personnel Security Appeal Board (PSAB)? (Check one)

- (1) _____ Voting member
(2) _____ Non-voting member
(3) _____ Other (Please specify):

2. Are you a civilian or military? (Check one)

- (1) _____ Civilian
(2) _____ Military

3. If you are a civilian, what is your present grade level? (Check one)

- (1) _____ GS 12
(2) _____ GS 13
(3) _____ GS 14
(4) _____ GS 15
(5) _____ Other (Please specify):

4. If you are military, what is your rank? (Check one)

- (1) _____ O-4
(2) _____ O-5
(3) _____ O-6
(4) _____ O-7
(5) _____ Other (Please specify):

5. On which PSAB do you sit? (Check one)

- (1) _____ Army
(2) _____ Navy
(3) _____ Air Force
(4) _____ DIA
(5) _____ NSA
(6) _____ WHS
(7) _____ DOHA

6. Which type of clearances/access does your PSAB handle? (Check as many as apply)

- _____ a. Confidential
_____ b. Secret
_____ c. Top Secret
_____ d. Sensitive Compartmented Information
_____ e. Special Programs
_____ f. Other (Please specify):

7. Since 1996, total number of months you have been a PSAB member. (Enter 2-digit number of months below.)

____ _ Months

8. Since 1996, total number of PSAB meetings you have attended. (Enter 2-digit number of meetings below. If uncertain, provide estimate.)

____ _ Meetings attended

9. Since 1996, total number of cases you have reviewed as a PSAB member. (Enter 3-digit number of cases below. If uncertain, provide an estimate.)

____ _ Cases

10. Overall, since 1996, how easy or difficult have you found it to apply the Adjudicative Guidelines to cases you reviewed as a member of the PSAB? (Check one)

- (1) _____ Very Easy
(2) _____ Easy
(3) _____ Neither Easy nor Difficult
(4) _____ Difficult
(5) _____ Very Difficult

Sections 2 – 4 of this survey were identical to Sections 4–6 of the DoD Adjudicator Survey in Appendix B1 except for the Frequency of Use item which follows.

93. FREQUENCY OF USE: Considering the cases you handled over the last 12 months, how frequently have you applied Guideline M – Misuse of Information Technology Systems? (Check one)

- (1) _____ 75% - 100%
- (2) _____ 50% – 74%
- (3) _____ 25% - 49%
- (4) _____ 15% - 24%
- (5) _____ 5 – 14%
- (6) _____ 0% - 4%

Appendix C

Data Tables

TABLE C-1
Demographics of Survey Participants

	<i>Adjudicators</i>		<i>Admin Judges</i>		<i>PSAB</i>		<i>Total</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
Position Title								
Personnel Security Assistant	23	11.3%					23	9.4%
Personnel Security Specialist	141	69.5%					141	57.8%
Sup Personnel Security Spec.	32	15.8%					32	13.1%
Other	7	3.4%					7	2.9%
Administrative Judge			11	100.0%			11	4.5%
PSAB (voting and non-voting)					30	100.0%	30	12.3%
Total	203	100.0%	11	100.0%	30	100.0%	244	100.0%
Agency								
Army	45	22.3%			7	23.3%	52	21.4%
Navy	55	27.2%			6	20.0%	61	25.1%
Air Force	36	17.8%			3	10.0%	39	16.1%
DIA	8	4.0%			4	13.3%	12	4.9%
NSA	7	3.5%					7	2.9%
OC-C/DISCO	35	17.3%					35	14.4%
WHS	10	5.0%			7	23.3%	17	7.0%
DOHA	6	3.0%	11	100.0%	3	10.0%	20	8.2%
Total	202	100.0%	11	100.0%	30	100.0%	243	100.0%
Civilian Grade/Military Rank								
GS 05-06	1	0.5%					1	0.4%
GS 07-08	31	15.7%					31	13.0%
GS 09-10	11	5.6%					11	4.6%
GS 11	51	25.8%					51	21.3%
GS 12	61	30.8%					61	25.5%
GS 13	33	16.7%			2	6.7%	35	14.6%
GS 14	9	4.5%			6	20.0%	15	6.3%
GS 15	1	0.5%	11	100.0%	16	53.3%	28	11.7%
Sr. Executive Service					3	10.0%	3	1.3%
O-5					1	3.3%	1	.4%
O-6					2	6.7%	2	.8%
Total	198	100.0%	11	100.0%	30	100.0%	239	100.0%
Type of Clearance/Access								
Confidential	130	64.0%	10	90.9%	16	53.3%	156	67.8%
Secret	176	86.7%	11	100.0%	24	80.0%	211	88.7%
Top Secret	181	89.2%	11	100.0%	22	73.3%	214	90.7%
SCI	172	84.7%	10	90.9%	17	56.7%	199	86.1%
Special Programs	108	53.2%	11	100.0%	1	3.3%	109	50.7%
Other Type	20	9.9%	0	0.0%	2	6.7%	22	10.2%

TABLE C-2
Mean Frequency of Application Ratings by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSAB Members</i>			<i>Total*</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	187	4.05	1.38	9	5.00	.00	28	5.54	1.04	196	4.09	1.36
B. Foreign Influence	195	2.56	1.23	10	3.40	.97	28	5.36	1.16	205	2.60	1.23
C. Foreign Preference	194	3.01	1.28	10	3.50	1.08	28	5.32	.94	204	3.03	1.28
D. Sexual Behavior	193	2.97	1.15	11	3.82	.40	28	4.82	1.19	204	3.01	1.13
E. Personal Conduct	196	1.72	.99	11	2.18	.75	28	2.79	1.50	207	1.75	.98
F. Financial Consideration	198	1.31	.71	11	2.55	.52	28	2.57	1.14	209	1.38	.76
G. Alcohol Consumption	198	1.80	.92	11	2.55	.69	28	3.50	1.32	209	1.84	.92
H. Drug Involvement	198	1.83	1.01	11	2.64	.67	28	3.96	1.32	209	1.88	1.01
I. Emotional, Mental & Personality Disorders	197	2.67	1.15	11	4.00	.77	28	4.61	1.23	208	2.74	1.17
J. Criminal Conduct	198	1.66	.96	11	2.36	.50	28	3.68	1.22	209	1.70	.95
K. Security Violations	193	3.48	1.13	11	4.45	.93	28	5.25	.93	204	3.53	1.14
L. Outside Activities	180	4.27	1.15	8	5.00	.00	28	5.75	.59	188	4.30	1.14
M. Misuse of Information Technology Systems	189	3.83	1.12	11	4.64	.50	27	5.78	.42	200	3.87	1.11

*The total group data does not include PSAB members since their survey frequency item required a different set of scale values than was used for the Adjudicators and Administrative Judges. The six PSAB numeric scale values were 1 for 75-100%, 2 for 50-74%, 3 for 25-49%, 4 for 15-24%, 5 for 5-14%, and 6 for 0-4% of their cases. The five Adjudicator and Administrative Judge numeric scale values were 1 for *daily*, 2 for *weekly*, 3 for *monthly*, 4 for *quarterly*, and 5 for *yearly or less*. ** *ns* for Adjudicators, Administrative Judges, and PSAB members do not equal the total *n* because 5 respondents did not indicate group membership.

TABLE C-3
Mean Clarity Ratings* by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSABs</i>			<i>Total</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	189	1.94	.73	8	1.88	.64	26	2.12	.71	228	1.96	.72
B. Foreign Influence	195	1.95	.61	11	3.27	1.10	26	2.15	.61	237	2.04	.69
C. Foreign Preference	193	2.05	.78	11	3.18	1.17	27	2.52	.85	236	2.16	.85
D. Sexual Behavior	192	2.01	.66	11	2.00	.45	29	2.24	.74	237	2.05	.67
E. Personal Conduct	193	2.03	.76	11	2.45	.93	29	2.38	.78	238	2.09	.78
F. Financial Consideration	196	1.93	.75	11	2.27	.47	29	2.07	.59	241	1.96	.71
G. Alcohol Consumption	197	1.97	.66	10	2.30	.67	29	1.90	.49	241	1.98	.65
H. Drug Involvement	197	2.02	.71	11	2.27	.79	29	2.00	.76	242	2.03	.72
I. Emotional, Mental & Personality Disorders	196	2.15	.62	11	2.45	.69	29	2.38	.68	241	2.20	.63
J. Criminal Conduct	196	2.00	.66	10	2.30	1.16	28	2.07	.72	239	2.02	.68
K. Security Violations	191	2.08	.68	11	2.00	.45	29	2.07	.59	236	2.08	.65
L. Outside Activities	181	2.34	.75	7	2.57	1.27	26	2.50	.71	219	2.37	.76
M. Misuse of Technology Systems	189	2.41	.85	10	2.60	.84	27	2.48	.75	230	2.43	.84

* The clarity rating scale numeric values were 1 for *very clear*, 2 for *clear*, 3 for *neither clear nor unclear*, 4 for *unclear*, and 5 for *very unclear*. ** ns for Adjudicators, Administrative Judges, and PSAB members do not equal the total n because 5 respondents did not indicate group membership.

TABLE C-4
Mean Ease of Application Ratings* by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSABs</i>			<i>Total</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	184	2.36	.87	7	2.29	1.11	25	2.24	.93	221	2.34	.87
B. Foreign Influence	193	2.18	.72	11	3.64	.81	26	2.42	.70	235	2.28	.78
C. Foreign Preference	194	2.35	.87	11	3.73	.79	27	2.70	.82	237	2.44	.91
D. Sexual Behavior	192	2.19	.77	11	2.45	.69	29	2.41	.82	237	2.24	.78
E. Personal Conduct	193	2.19	.78	11	2.82	1.08	28	2.43	.79	237	2.25	.81
F. Financial Consideration	196	2.03	.78	10	2.80	.79	29	2.14	.79	240	2.08	.79
G. Alcohol Consumption	196	2.09	.75	11	2.64	.50	29	2.03	.68	241	2.11	.74
H. Drug Involvement	197	2.18	.76	11	2.36	.67	29	2.10	.77	242	2.19	.76
I. Emotional, Mental & Personality Disorders	196	2.36	.72	11	2.82	.60	29	2.69	.66	241	2.41	.71
J. Criminal Conduct	195	2.07	.73	10	2.40	1.08	29	2.17	.66	239	2.09	.73
K. Security Violations	190	2.23	.75	11	2.27	.65	28	2.25	.75	234	2.23	.73
L. Outside Activities	177	2.47	.75	7	3.00	1.00	25	2.64	.70	214	2.52	.76
M. Misuse of Technology Systems	188	2.53	.89	10	2.60	.84	26	2.54	.71	228	2.53	.87

* The ease of application rating numeric values were 1 for *very easy*, 2 for *easy*, 3 for *neither easy nor difficult*, 4 for *difficult*, and 5 for *very difficult*. ** ns for Adjudicators, Administrative Judges, and PSAB members do not equal the total n because 5 respondents did not indicate group membership.

TABLE C-5
Mean Coverage of Security Concerns Ratings* by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSABs</i>			<i>Total</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	186	2.14	.75	8	1.88	.99	26	2.23	.59	225	2.15	.74
B. Foreign Influence	193	2.10	.68	11	3.00	.77	27	2.26	.53	236	2.16	.69
C. Foreign Preference	195	2.22	.74	11	3.18	.98	26	2.46	.71	237	2.29	.77
D. Sexual Behavior	191	2.17	.70	11	2.00	.77	29	2.38	.78	236	2.19	.71
E. Personal Conduct	194	2.19	.75	11	2.45	.82	29	2.34	.67	239	2.23	.74
F. Financial Consideration	195	2.02	.68	10	2.30	.95	29	2.10	.67	239	2.04	.68
G. Alcohol Consumption	197	2.08	.67	11	2.45	.93	29	2.03	.63	242	2.08	.68
H. Drug Involvement	195	2.14	.69	11	2.36	1.03	28	2.07	.66	239	2.15	.71
I. Emotional, Mental & Personality Disorders	195	2.21	.65	11	2.36	.92	29	2.34	.61	240	2.24	.66
J. Criminal Conduct	195	2.08	.72	10	2.00	.82	29	2.14	.74	239	2.09	.73
K. Security Violations	190	2.16	.71	11	2.55	1.13	29	2.14	.64	235	2.18	.72
L. Outside Activities	177	2.28	.65	7	2.57	1.27	24	2.50	.66	213	2.32	.67
M. Misuse of Technology Systems	189	2.41	.80	10	2.40	1.08	26	2.58	.70	229	2.43	.80

* The coverage rating numeric values were 1 for *very adequate*, 2 for *adequate*, 3 for *neither adequate nor inadequate*, 4 for *inadequate*, and 5 for *very inadequate*. ** ns for Adjudicators, Administrative Judges, and PSAB members do not equal the total n because 5 respondents did not indicate group membership.

TABLE C-6
Mean Adequacy of Information Provided by the Standards Ratings* by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSABs</i>			<i>Total</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	182	2.61	.79	6	2.17	.75	23	2.65	.88	216	2.61	.79
B. Foreign Influence	193	2.42	.73	10	3.30	.82	25	2.76	.83	233	2.49	.76
C. Foreign Preference	194	2.52	.76	11	3.27	.65	25	2.96	.84	235	2.59	.78
D. Sexual Behavior	190	2.46	.77	11	2.36	.67	27	2.74	.71	233	2.50	.76
E. Personal Conduct	193	2.44	.73	11	2.91	.70	27	2.44	.58	236	2.46	.72
F. Financial Consideration	195	2.29	.79	10	2.70	.67	27	2.30	.54	237	2.30	.77
G. Alcohol Consumption	195	2.29	.72	11	2.45	.69	27	2.22	.51	238	2.30	.69
H. Drug Involvement	195	2.35	.77	11	2.45	.52	27	2.26	.71	238	2.35	.75
I. Emotional, Mental & Personality Disorders	193	2.52	.80	11	2.55	.52	27	2.70	.67	236	2.54	.77
J. Criminal Conduct	193	2.31	.77	10	2.30	1.06	27	2.22	.64	235	2.30	.77
K. Security Violations	189	2.48	.86	10	2.50	.53	27	2.56	.70	231	2.49	.82
L. Outside Activities	176	2.65	.76	6	2.83	.75	23	2.78	.67	210	2.68	.74
M. Misuse of Technology Systems	187	2.67	.87	10	2.60	.84	24	2.88	.74	225	2.69	.86

* The information provided rating numeric values were 1 for *very great extent*, 2 for *great extent*, 3 for *moderate extent*, 4 for *slight extent*, and 5 for *not at all*. ** ns for Adjudicators, Administrative Judges, and PSAB members do not equal the total n because 5 respondents did not indicate group membership.

TABLE C-7
Mean Overall Adequacy Ratings* by Subgroup and Total

<i>Adjudicative Guideline</i>	<i>Adjudicators</i>			<i>Admin Judges</i>			<i>PSABs</i>			<i>Total</i>		
	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>N**</i>	<i>Mean</i>	<i>SD</i>
A. Allegiance to the United States	180	2.26	.66	6	2.00	.74	22	2.22	.59	213	2.25	.65
B. Foreign Influence	191	2.16	.58	10	3.38	.69	23	2.33	.52	229	2.23	.62
C. Foreign Preference	191	2.28	.68	11	3.34	.74	25	2.66	.69	232	2.36	.72
D. Sexual Behavior	189	2.20	.63	11	2.20	.56	27	2.43	.68	232	2.24	.64
E. Personal Conduct	191	2.21	.67	11	2.66	.79	27	2.35	.62	234	2.25	.68
F. Financial Consideration	194	2.06	.67	10	2.53	.59	27	2.14	.55	236	2.09	.65
G. Alcohol Consumption	194	2.10	.61	10	2.55	.42	27	2.01	.45	236	2.11	.59
H. Drug Involvement	193	2.17	.65	11	2.36	.61	26	2.05	.60	235	2.17	.65
I. Emotional, Mental & Personality Disorders	193	2.30	.60	11	2.55	.59	27	2.49	.56	236	2.34	.59
J. Criminal Conduct	193	2.11	.65	10	2.25	.96	26	2.13	.60	234	2.12	.66
K. Security Violations	189	2.23	.67	10	2.35	.47	26	2.17	.54	230	2.23	.65
L. Outside Activities	174	2.42	.62	6	2.71	1.08	23	2.54	.56	208	2.45	.62
M. Misuse of Technology Systems	185	2.50	.77	10	2.55	.84	24	2.60	.62	223	2.51	.76

* The mean overall adequacy rating numeric values were 1 for *very adequate*, 2 for *adequate*, 3 for *neither adequate nor inadequate*, 4 for *inadequate*, and 5 for *very inadequate*. ** ns for Adjudicators, Administrative Judges, and PSAB members do not equal the total n because 5 respondents did not indicate group membership.

Appendix D

Recommendations and Comments
Concerning Adjudicative Guidelines by Source

Below are the comments and recommendations provided by the study participants for improving the Adjudicative Guidelines. A check next to the statement indicates that at least one adjudicator (including junior and senior Adjudicators, and supervisors and managers of adjudicators), Administrative Judge, or PSAB member made the comment. Note that many of these comments are best addressed via training, while others may be best addressed through revisions to the guidelines.

Guideline A. Allegiance	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Recent and short period of time.	✓		✓	2
General Comments: Combine Allegiance and Foreign Preference guidelines.	✓			1
Change title to "Conduct Threatening the United States" to de-emphasize intent and protected speech implied by the word "allegiance."		✓		1
Cultural and religious factors impact allegiance.	✓			1
Concern: Address intent of acts against the US or its allies, including issues which do not include force, violence, or unconstitutional acts.	✓		✓	2
Disqualifying Conditions: d: Expand to include gang-related activities	✓			1
New: Add allegiance requirement cited in the concern to the disqualifying conditions so we can cite this when someone's allegiance is split between the US and another country.	✓			1
New: Expand to cover those who hold dual citizenship or have interest in or sit on the board of a foreign-owned company.	✓			1
New: Conduct that questions allegiance whether or not it includes acts, associations, involvement, or sympathy to overthrow the government or to deny civil rights; something between outright foreign preference and the current allegiance criteria.	✓			1
New: Stated allegiance to a country other than the United States.	✓			1
Mitigating Conditions: Make the mitigators more specific so that it is harder to mitigate the security concerns.	✓		✓	2
b: Delete "the individual's involvement was only with the lawful or humanitarian aspects of such an organization."	✓			1
c: Remove recency as a mitigating condition for serious acts of espionage or terrorism.	✓			1
Resource Information: Published synopsis of known gangs.	✓			1
Examples of disqualifying involvement and association.	✓	✓		2
List of known or suspect organizations which advocate the overthrow of the US Government.	✓			1
Profile (psychological indicators) of behavior exhibited by individuals who advocate overthrow of the US Government.	✓			1

Guideline B. Foreign Influence

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined:				
Minimal, substantial financial interest, close ties, family member, associations, sharing living quarters, and cohabitant.	✓	✓		2
Define immediate family member, adding grandparents, brothers-in-law and sisters-in-law.	✓			1
General Comments:				
Other factors besides family ties, e.g., religion, culture, could adversely influence one's behavior.	✓			1
Clarify when a problem exists with a foreign national spouse, especially of the military.	✓			1
Clarify when the US recognizes and sanctions dual citizenship.			✓	1
Clarify rules when a country does not allow its citizens to renounce citizenship.	✓			1
Foreign Influence and Outside Activities overlap.	✓			1
There should be different standards applied to democracies or allies of the US as opposed to non-democracies and adversaries.	✓	✓	✓	3
Disqualifying Conditions:				
a and c: Too broad so the security concerns are not clear.	✓			1
b: Clarify or eliminate.			✓	1
f: Change "conduct" to "Conduct or circumstances."			✓	1
Mitigating Conditions:				
Mitigating conditions allow for too many explanations and rule-breaking by subject.	✓			1
Provide mitigating conditions for each of the disqualifying concerns.	✓			1
a: Eliminate word "determination" to avoid implication that a decision is necessary by an authority/element other than the adjudicator.		✓		1
c: "Foreign financial interests are minimal" is meaningless. Clarify at what point financial interests (e.g., stock) become a security concern.	✓		✓	2
d: Add "or when compliance did not occur because of inadequate or improper training."	✓			1
d: Remove "minimal and."	✓			1
f: Delete "conduct which may make the individual vulnerable..."			✓	1
New: Describe situations where one's government-related job requires foreign contacts and, by its very nature, foreign influence (e.g., Defense Attaché Program, long-term military career)	✓		✓	2
New: Inheritance that makes one vulnerable to coercion, exploitation, or pressure.	✓		✓	1
New: US recognizes dual citizenship by birthright.			✓	1
New: Require that a person demonstrate, not be willing to, renounce dual citizenship.	✓		✓	2
Resource Information:				
List of countries which are democracies or allies of the US.	✓	✓	✓	3

Guideline C. Foreign Preference

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Sanctioned, exercise dual citizenship, and denounce.	✓	✓	✓	3
General Comments: Establish a DoD standard as to whether or not possession of a foreign passport is a disqualifier.	✓		✓	2
Need to be much stricter enforcing this guideline. Rank seems to have privilege.	✓			1
Expand disqualifying/mitigating concerns to cover more situations related to national security.	✓			1
Clarify that we require demonstrated preference for the US.		✓		1
Allegiance, Foreign Influence, and Foreign Preference overlap and are difficult to distinguish from one another. Consider combining one or more of these into a single guideline.	✓			1
Concern: Add "or professes a preference for " and replace "provide information or make decisions that are harmful" with a "act inimically."	✓			1
Disqualifying Conditions: a: Add "and any acts or requirements attached thereto" and provide examples.	✓			1
a and b: Clarify circumstances when holding dual passport/citizenship would be acceptable.	✓			1
b: Change "possession and/or use of a foreign passport" to "use." Simply possessing a foreign passport is passive and does not really demonstrate foreign preference.	✓		✓	2
d: Change "accepting education, medical, or other benefits" to "accepting any benefits."	✓			1
I: Add "professing" before "performing."	✓			1
New: Dual citizenship.	✓			1
New: Inheritance that makes one vulnerable to coercion, exploitation, or pressure.	✓			1
Mitigating Conditions: Develop other mitigators to match disqualifiers, e.g., relinquishment of foreign passport.	✓			1
a: Change to read "conduct occurred before obtaining a United States citizenship."	✓			
a: Explain "dual citizenship is based solely on parents' citizenship or birth in foreign country."	✓			1
b: Eliminate.	✓			1
d: Individuals renounce dual citizenship and provide proof of renunciation.	✓	✓	✓	3
New: Dual citizenship where other nation does not recognize loss of citizenship due to naturalization in US and/or forces dual citizens to use Non-US passports.	✓	✓	✓	3
New: Possession and/or use of a foreign passport is prompted by reasons solely of sentiment or respect for one's national origin or heritage or is required by the foreign country for travel therein.		✓		1
New: Retention of benefits, e.g., social security, from a foreign country if the right to the benefit was acquired before obtaining US citizenship.		✓		1
New: Activity is sanctioned by the US.	✓			1
Resource Information: List of countries which do not allow renunciation of citizenship or require use of non-US passports.	✓	✓	✓	3

Guideline D. Sexual Behavior

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Recent, severity, vulnerability, pattern of behavior, criminal nature, and public nature.	✓	✓		2
General Comments: Clarify this guideline, providing more up-to-date examples.	✓			1
This issue is affected by changes in societal mores.	✓			1
Federal, state, and local laws vary concerning what is/is not legal in terms of sexual behavior.	✓			1
Be more specific. Focus on the behaviors, not the results.	✓			1
Eliminate this guideline. All serious sexual behaviors fall under other guidelines, e.g., Criminal Conduct, Emotional/Mental, and Personal Conduct. It's a disservice to describe serious crimes of a sexual nature, e.g., rape, incest, as sexual behavior; it's a violent felony.	✓		✓	2
Concern: Add "any sexual behavior that subjects the individual to coercion, exploitation, or duress or that reflects lack of judgment or discretion.	✓			1
Eliminate "involves a criminal offense, indicates a personality or emotional disorder."	✓			1
Move sexual orientation or preference sentence to a footnote.	✓			1
Disqualifying Conditions: Specify that there must be proof, not hearsay, concerning inappropriate sexual behavior.	✓			1
a and b: Eliminate.	✓			1
d: Eliminate "of a public nature."	✓			1
g: Require a diagnosis of compulsive or addictive sexual behavior by a medical professional.		✓		1
New: Inappropriate sexual behaviors between supervisors and subordinates in the workplace.	✓			1
Mitigating Conditions: Mitigating conditions are too liberal for serious sexual behaviors, especially felonies.	✓			1
a: Define adolescence.	✓			1
b: Reword "Behavior was not recent (minimum 1 year or longer depending on severity of behavior)."	✓			1
c: Remove "there is no evidence of subsequent conduct of a similar nature" because it is not necessary given the recency language in Condition b. Change to "behavioral incident was isolated."			✓	1
c: Eliminate.	✓			1
d: "Behavior no longer serves as basis for coercion, exploitation, or duress" is difficult to prove.	✓			1
e: Eliminate.	✓			1
New: Subject reveals sexual behavior, thus preventing vulnerability.	✓			1
New: Sexual harassment when numerous allegations have been filed by different people over a period of time, but no criminal or administrative action has been taken.	✓			1
Resource Information: List behaviors and conditions under which they are considered a security risk.	✓			1

Guideline E. Personal Conduct

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Recent, time frames, pattern of behavior, isolated, prompt, and reliable, association.	✓	✓	✓	3
General Comments: Do not use this as a "catch-all" or "pile-on" guideline. There's no reason to "stab a dead horse." Clarify that this guideline should not be used in every case.			✓	1
Eliminate the guideline; most issues can be covered by other guidelines.			✓	1
Clarify to address multiple borderline issues where whole-person concept requires denial.			✓	1
This guideline focuses on refusal to cooperate with security processing, then adds a very general concern about patterns of dishonesty or rule violations. Rewrite to more clearly state its intent.	✓			1
Other than "failure to cooperate," this is a much too subjective.	✓			1
Separate "refusal to cooperate" and "intentional falsification" into a separate guideline with its own disqualifying and mitigating conditions.	✓	✓	✓	3
Concern: Standards of Conduct or Conditions of Employment should be linked to this guideline.	✓			1
Add "dishonesty and rules violations."	✓			1
Rewrite using primarily the first sentence. Separate the second sentence along with its components (a) and (b) and place them under Disqualifying Conditions.	✓	✓		2
Disqualifying Conditions: The refusal to cooperate disqualifying and mitigating conditions should be redrafted to determine those situations that should result in immediate loss of security clearance.		✓	✓	2
a: Add "substantiated." Unfavorable unsubstantiated information can not justify decision.	✓			1
c: Add "providing false or misleading information in serious situations, e.g., lying to police."	✓			1
e: Expand to cover single serious rules violation which brings into question one's reliability and trustworthiness.	✓			1
New: AWOL and conduct unbecoming an officer, e.g., fraternization and actions reflecting poor judgment.	✓			1
New: Add Disqualifying Condition for Mitigating Condition e.			✓	1
Mitigating Conditions: a: "The information ... not pertinent" is vague. What is and is not pertinent may be debatable.	✓			1
b, c, and d: "Voluntarily" does not include information revealed in relation to polygraph.			✓	1
d and f: Require corroborating evidence/statements from legal or authorized personnel who provided improper advice. If information is corroborated, it falls under the other conditions.	✓		✓	2
New: Include cases where more than falsification is an issue, e.g., pattern of dishonesty or rule violations.	✓	✓		2
New: Conduct was not recent (a minimum of 1 year or longer depending on conduct severity).	✓			1
Resource Information: <i>No comments</i>				

Guideline F. Financial Considerations

	Source of Information			No. Groups
	Adjudi- cators	Admin. Judges	PSAB members	
Terms to be defined: Recent, time frames, isolated, unexplained affluence, over-indebtedness, financial threshold, over-extension, and substantial financial interest.	✓	✓	✓	3
General Comments: Disqualifying and mitigating conditions need to be updated according to the times and world market.	✓			1
Concern: Add "financial over extensions and failure to meet legal obligations could cause an individual to commit behaviors of a security concern" and "affluence from illegal sources is a security concern."	✓			1
Disqualifying Conditions: a: Eliminate "a history of."	✓			1
b: Add "unexplained affluence."	✓			1
f: Add that "there is proof that the financial conditions are linked to"	✓			1
New: Filing for bankruptcy within the last 12 months unless due to medical or failed business venture.	✓			1
New: Spending well beyond one's means for no apparent reason, e.g., running up credit cards.	✓			1
New: Excessive indebtedness.	✓			1
New: Substantial negative cash flow or being without disposable income.	✓			1
Mitigating Conditions: a: Add "(a minimum of one year or longer depending upon the severity of the behavior)."	✓			1
b: Eliminate "is an isolated incident."	✓			1
b: Eliminate "because a history of bad debts or deceptive practices are not usually isolated."	✓			1
c: Add "and the person acted reasonably under the circumstances."	✓			1
d: Eliminate "is being resolved" and specify when and under what circumstances counseling mitigates. For example, it should not include "cleaning up one's act" after receiving a SOR.	✓			1
d and f: Include time period (e.g., over one year) to demonstrate financial responsibility and revise to ensure that there is a clear indication that the problem is being resolved or under control. More time may be required to re-address bankruptcy since some file numerous bankruptcies.	✓			1
f: Modify so that it begins before receipt of the letter of intent.	✓			1
New: The problem is being resolved/under control, whether or not counseling was not involved.	✓			1
New: Applicant is not responsible for family's finances and was unaware of financial situation.	✓			1
New: All financial transactions have been satisfied or conditionally explained.	✓			1
New: Subject has established a pattern of financial responsibility.	✓			1
New: The person has not acted to hide from or evade his legitimate creditors.	✓			1
New: The person has a reasonable basis to dispute the legitimacy of a past due debt.	✓			1
Resource Information: Information clarifying the levels of financial issues which are of a security concern.	✓			1

Guideline G. Alcohol Consumption

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Recent, time frames, treatment programs, excessive drinking, pattern, recognized treatment program, abuse vs. dependence, habitual or binge consumption, frequency of use, and credentialed medical professional.	✓	✓	✓	3
General Comments: Return to pre-1996 guideline.		✓		1
Concern:				
Disqualifying Conditions:				
c: Add "including lab results."	✓			1
c: Following "credential medical professional (M.D.)," add "approved by, acceptable to or employed by the government."	✓			1
d: Eliminate "clinical social worker."	✓	✓		1
f: Replace the word "alcoholism" with "alcohol dependence" which is a diagnosis under DSM IV.	✓			1
f: Clarify abstinence requirement and be specific as to determining the data of sobriety. This condition is inconsistent with incidences when the medical professional does not require that a person abstain from alcohol after rehabilitation. There should be room for an occasional drink as long as there are no further problems.	✓			1
New: Alcohol-related arrest, failure to follow court orders regarding alcohol education, evaluation, or treatment; failure to follow terms of probation and/or consume alcohol in violation of court order; and/or failure to follow instruction from professional personnel encountered in court-ordered programs.	✓			1
New: Admittedly reported excessive use of alcohol with no incidents or arrests.	✓			1
New: Alcohol use indicating a pattern regardless of the time frame.	✓			1
New: Excessive alcohol consumption, whether or not there has been an alcohol-related incident.	✓			1
Mitigating Conditions:				
a: Add the words "isolated (1 or 2 times)" before the sentence.	✓			1
b: Define "a number of years ago". If recency is the issue, then say that.		✓		1
d: Define when the rehabilitation completion starts and whether or not rehabilitation time varies by abuse vs. dependence.			✓	1
d: Include a longer time period of abstinence for someone who has repeatedly entered and completed a rehabilitation program. For example, individuals who have entered rehab twice should have been abstinent for at least 24 months; 3 rehabs, 3 years, etc	✓		✓	2
d: Separate into two conditions: "1) participates frequently in AA meetings or has a support group at hand including an AA sponsor or other confidant serving in the role of an AA sponsor; and 2) has abstained from alcohol....and received a favorable prognosis...."		✓	✓	2
New: The person diagnosed as alcohol dependent gives up alcohol without treatment or without completing treatment and there is no apparent recent problem.	✓	✓		2
New: Self-referral to a treatment program.	✓			1
Resource Information: <i>No comments</i>				

Guideline H. Drug Involvement

	Source of Information			No. Groups
	Adjudi- cators	Admin. Judges	PSAB members	
Terms to be defined: Recent, infrequent, demonstrated intent, isolated, credentialed medical professional, drug abuse vs. dependence, incident indicative of a pattern, time line, relationship of type of drug and recency, and recognized drug treatment program.	✓	✓	✓	3
General Comments: Rewrite the guideline and update drug lists to show new drugs on the market.	✓			1
Return to pre-1996 guidelines or policy factors. These guidelines provided definitions of use, e.g., experimental, occasional, frequent, regular, and compulsive, and provided clear mitigating guidelines with time frames depending on type of use.	✓	✓		2
Concern: Should cover cases even when there is no apparent impairment of social or occupational functioning.		✓	✓	1
Eliminate list of drugs in b (1) and rewrite b (2) to read "substances which can be ingested, inhaled, or otherwise introduced into the body."	✓			1
Disqualifying Conditions: c: Separate failure to complete rehabilitation, recent involvement, and expressed intent not to discontinue use.	✓			1
c: Add "licensed" before physician and eliminate "clinical" before psychologist.	✓			1
c: After "credentialed medical professional," add "approved by and acceptable to or employed by the government."	✓			1
d: Add "licensed physician or psychologist."	✓			1
d: Delete "licensed clinical social worker" since evaluations are often done by counselors who may be recovering addicts.	✓	✓		1
e: Separate into three conditions: 1) failure to complete treatment program, 2) recent drug involvement following security clearance, 3) expressed intent to continue use.	✓			1
e: Add "especially following the granting of a security clearance in deliberate and willful disregard of job-related, anti-drug rules."	✓	✓		2
e: Remove "will almost invariably."			✓	1
e: After "drug treatment program" add "and aftercare when;" after "medical professional" add "and remain drug-free."	✓			1
New: An expressed intent to continue (or not to discontinue) drug use.	✓			1
New: Possession of drug paraphernalia.	✓			1
New: Testing positive for drug use.	✓		✓	2
New: Any involvement with illegal drugs or abuse of prescription drugs within the past year, regardless of treatment program participation.	✓			1
New: Failure to follow appropriate medical advice related to drug treatment.	✓			1
Mitigating Conditions: Return to the use of years as a mitigating condition, dependent upon the amount of use and/or involvement in illegal drug activity.	✓			1
a: Establish DoD time frames required after use or arrest by type of use and type of drugs.	✓	✓	✓	3
d: Separate into 3 separate conditions: 1) dealing with satisfactory completion of treatment program; 2) stating no recurrence of abuse; and 3) dealing with a favorable prognosis.	✓			1
d: Specify the timing required for a "favorable diagnosis."	✓	✓		1

Guideline H. Drug Involvement (continued)

	Source of Information			No. Groups
	Adjudi- cators	Admin. Judges	PSAB members	
New: Require a statement from the subject of future intent not to use drugs and willingness to follow prescribed medical treatment or aftercare program.	✓			1
New: No drug use has occurred since the initial access was granted.	✓	✓		2
New: Subject has left the prior environment where drug use was acceptable, e.g., non-DoD environment such as college, changing life style, etc.	✓			1
New: Use of drugs for religious, ceremonial, or prescribed medical use.	✓			1
Resource Information:				
List of illegal drugs, including new drugs on the market, e.g., steroids.	✓			1

Guideline I. Emotional, Mental and Personality Disorders

	Source of Information			No. Groups
	Adjudi- cators	Admin. Judges	PSAB members	
Terms to be defined: Credentialed mental health professional, mental disorder, recent, long periods of time, current, characterologic disorders, patterns of behavior, and time since diagnosis or recovery.	✓	✓	✓	3
General Comments: Suggest requiring mental health professionals to use a standard form or guideline to solicit specific comments concerning security-related risks.	✓			1
Concern: Specify how a mental health professional is made "acceptable to the government" in order to avoid allegations that DoD is stacking the deck against the subject.		✓		1
After psychiatrist, add "CMHP or SPH."	✓			1
Disqualifying Conditions: a: Refer to DSM IV and the need to tie the DSM to specific conditions.	✓			1
a: Following "credentialed mental health professional," add "approved and acceptable to or employed by the government."	✓			1
a: Eliminate "to avoid mental health professional determining eligibility." Implies adjudicators can conclude that a defect in judgment, reliability, or stability is emotional/mental disorder.		✓		1
a: Reword so it does not imply "treatment" indicates a defect in judgement, reliability, or stability.	✓			1
a: Replace "opinion" with "diagnosis."	✓			1
a: Prefer "opinion" rather than "diagnosis."		✓		1
b and d: Rewrite so "information that suggests" is less vague.			✓	1
b and d: Add "information from reliable source(s)."	✓			1
c: Specify credentialed mental health professional must determine "high-risk, irresponsible, aggressive, anti-social, or emotionally unstable behavior."	✓			1
New: Evidence of substantial abnormal behavior even without a diagnosis.	✓			1
New: Refusal to have an evaluation, referring to adjudicative guideline on personal conduct.	✓			1
Mitigating Conditions: a: Eliminate.	✓	✓		2
b: Provide guidance as to a time frame for determining low probability of recurrence.	✓			1
b: Require certified psychiatric exam be provided with prognoses for long- or short-term recovery.			✓	1
b: Relate frequency and length of time "falling out of remission or not being in control."			✓	1
b: After "remission" add "with medication, if prescribed."	✓			1
d: Only a government-credentialed medical professional.	✓			1
New: Only records are available; evaluator can or will not provide an opinion or prognosis.	✓		✓	1
New: A current favorable evaluation with prognosis by a credentialed medical professional.	✓		✓	1
New: Specify length of time since diagnosis and how long after diagnosis recovery should be.			✓	1
Resource Information: <i>No comments</i>				

Guideline J. Criminal Conduct

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Serious criminal activity, recent, acquittal, criminal, time frames, felony vs. misdemeanor, and isolated.	✓	✓	✓	3
General Comments: Address the situation when charges are dropped. While not an acquittal, this usually means that there is not enough evidence to prove guilty.	✓			1
Distinguish "crimes" within this guideline from "traffic/motor vehicle violations/offenses" which could be covered under Personal Conduct.	✓	✓		2
The seriousness of the crime should be given greater weight.		✓		1
Specifically address its application of this with other guidelines, e.g., drug abuse is defacto criminal conduct.			✓	1
Concern: Clarify that this is a felony policy. Technically, any law violation is treated as criminal conduct. Differentiate criminal conduct of felonies from misdemeanors as in old guidelines so that insignificant data (e.g., jaywalking, traffic violations, delinquency in debt payment) are not captured under this guideline.			✓	1
Eliminate "a history or pattern of" and change to "criminal activity which creates..."	✓			1
Disqualifying Conditions: b: Differentiate between allegations, convictions, or admissions.		✓		1
New: Failed completion of rehab (if directed).	✓			1
New: Violation of probation.	✓			1
New: Multiple corroborated allegations and/or admission(s) of criminal conduct whether or not there has been an acquittal.	✓			1
New: Felony or felonious conduct (with no mitigation).			✓	1
New: A history or pattern of criminal conduct, regardless of the time frame.	✓			1
Mitigating Conditions: Mitigating conditions are too ambiguous and allow too much room for appeal.	✓			1
Mitigating conditions should include a time period (e.g., one year or more), especially on repeated criminal behavior.	✓			1
a: Add "within 1 year or more, depending upon the severity of the crime."	✓			1
c and d: Combine since there is little conceptual difference between the two. If there are differences, articulate them.			✓	1
e: Eliminate "acquittal." Acquittal does not equal innocence in the eyes of the government. The guidelines should address the behaviors and circumstances, not the court outcome.	✓		✓	2
e: Specify what "successful rehabilitation" means. Does it mean completion of probation, record dismissed?		✓		1
New: Evidence that the applicant did not commit the offense.		✓	✓	2
Resource Information: Note that state laws vary and provide guidance as to how to address these differences.	✓			1

Guideline K. Security Violations

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Recklessness, number of violations, time frames, recent, isolated, infrequent, violation, unauthorized disclosure, improper, inadequate, infrequent.	✓	✓	✓	3
General Comments: Combine this with Personal Conduct guideline.	✓			1
Concern: Specify whether this guideline includes FOUO, unclassified, and proprietary information violations.	✓			1
Specify whether or not the violations have to be formally documented or written-up.	✓			1
Guideline should re-emphasize "deliberate or reckless disregard of security regulations, public law statutes, or executive orders, which can result in loss or compromise of classified information."	✓			1
Rewrite to focus on the compromise of classified information or actions that clearly put classified information at risk.			✓	1
Disqualifying Conditions: a: Expand to include possession in unauthorized location.			✓	1
b: Rewrite so that "due to negligence" is not contradictory with Mitigating Condition a-"was inadvertent."	✓			1
b: Add "or recklessness."	✓			1
New: A serious security violation or a series of lesser security violations whether or not classified information was disclosed or compromised.	✓			1
Mitigating Conditions: Mitigating conditions are too broad. With the current wording, almost all security infractions could be mitigated.	✓			1
a: Delete "were inadvertent."	✓			1
d: Eliminate. What's mitigating about a "positive attitude?"			✓	1
New: There are no recent violations.	✓		✓	2
New: Violation is administrative in nature.	✓			1
New: Has completed refresher/remedial training for multiple violations.	✓			1
New: The violations are not contrary to published regulations but only contrary to work unit informal rules designed to minimize violation possibilities, and the person accepts responsibility to correct their behavior in the future.		✓		1
Resource Information: Fix NISPOM in security violations so "fox does not have control of hen house."		✓		1

Guideline L. Outside Activities

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Present, past, time periods, conflict of interest, service, foreign interest, activities.	✓	✓	✓	3
General Comments: Consolidate with Foreign Influence guideline.	✓		✓	2
Expand to clearly define conflict of interest, e.g., domestic activities that are tied to intelligence, technology, or defense. This includes financial ties.	✓			1
Retitle "Conflicts of Interest."		✓		1
Concern: <i>No comments</i>				
Disqualifying Conditions: d: Delete and handle this under Foreign Influence and Foreign Preference.		✓		1
Mitigating Conditions: New: Individual fully disclosed extent of service, employment, and compensation.	✓			1
Resource Information: List of known derogatory outside groups needs to be updated every 6 months.	✓			1
Provide guidance as to when working for a company with foreign ownership or interest or participating in an activity with foreign interests presents a security risk.	✓			1
This needs to be explored in detail as internationalization increases.				

Guideline M. Misuse of Information Technology

	Source of Information			No. Groups
	Adjudicators	Admin. Judges	PSAB members	
Terms to be defined: Open source information systems vs. classified systems, sensitive systems, felony vs. misdemeanor misuse, unauthorized or illegal use, recent, improper use, system, significant, use, rules vs. procedures vs. guidelines or regulations, official use.	✓	✓	✓	3
General Comments: Poorly written and out of date; needs to be rewritten to address technological advances.	✓	✓	✓	3
Clarify whether or not this covers Internet, e-mail, etc. as opposed to illegal or unauthorized entry into information technology systems.	✓			1
Broaden focus from hardware to include improper or unauthorized use (e.g., modification, destruction, manipulation, denial of access, and removal of hardware or media).	✓			1
Be more specific, stating when and under what circumstances the guideline can be used. Also, conduct a legal review of the guideline.	✓			1
Separate security from personnel issues. Downloading Internet pornography is a personnel issue.	✓			1
Include the damage that hackers can cause via unclassified systems.	✓			1
Clarify that this applies only to official computers, not to privately owned PCs. Also specify whether this applies only to classified systems or to all government systems.		✓	✓	1
Eliminate. This guideline is covered by Personal Conduct and Criminal Conduct and really adds little to no value.			✓	1
Concern: Make intent of guideline clear that it is dealing with classified system misuse which causes a threat to national security.	✓	✓	✓	3
Clarify that this guideline focuses on electronic systems and not the storage or use of classified hard-copy paperwork which is handled under Security Violations.		✓		1
Disqualifying Conditions: c: Conflicts with Mitigating Condition c. If acts which give rise to security concerns are unauthorized, it makes no sense to say that they were authorized in terms of mitigation.		✓	✓	1
c: Remove phrase "specifically prohibited by rules, procedures, guidelines, or regulations" and add "unauthorized" at beginning of the sentence.			✓	1
c and d: Add "including Internet access."	✓			1
New: Cover security concerns such as insider threat and hacking whether or not entry was authorized and legal.			✓	1
New: Use of government computers for personal gain, e.g., building Web pages at work.	✓			1
New: Unauthorized entry into pornographic Web sites on office computers.	✓			1
New: Any conduct concerning legal or illegal use related to security, i.e., downloading files with viruses or installing games from home.	✓		✓	1
Mitigating Conditions: c and d: These are too lenient for serious misuse whether recent or isolated; one-time serious misuse of information technology can be devastating.	✓	✓		1
Resource Information: <i>No comments</i>				

Appendix E

Other Factors Affecting Efficiency and Effectiveness of Adjudicative Guidelines and Investigative Standards

In addition to the four measures described in the body of this report (i.e., clarity, ease of application, coverage of security concerns, and information provided by the standards), there are a number of other factors which directly affect the efficiency and effectiveness of the Guidelines and Standards. These factors include the frequency with which the guidelines are applied to cases with multiple disqualifying factors, the ease with which the guidelines can be applied to these multiple issue cases, the availability of subject matter experts, the adequacy of the training of those involved in the adjudication process, and the availability and utilization of resources.

Application of Guidelines to Cases with Multiple Disqualifying Factors

As the workshop cases exemplify, many of the cases involve multiple disqualifying factors. Therefore, the survey asked questions to ascertain the frequency with which such cases occur, the ease or difficulty in applying the guidelines to these cases, and how cases with multiple “borderline” issues should be handled. These questions included:

- **Percent of Multiple Issue Cases.** *What percentage of the derogatory cases you handled over the last 12 months involved multiple issues?*
- **Ease of Applying Multiple Guidelines.** *To what extent do you find it easy or difficult to apply multiple Guidelines in making an adjudicative decision?* Response alternatives included *very easy, easy, neither easy nor difficult, difficult, and very difficult.*
- **Handling Multiple Issue Cases.** *Often times cases have multiple “borderline” issues (that is, although the subject would not be disqualified on any one Guideline, he/she has demonstrated behaviors suggesting security concerns). How should the Guidelines address these types of cases?* Responses included *Apply the appropriate individual Guidelines, Apply current Guideline E-Personal Conduct, Strengthen and apply Guideline E-Personal Conduct to cover multiple borderline issues, and Develop a separate Guideline (including Disqualifying and Mitigating conditions) to handle multiple borderline issues.*

The total group reported that approximately 62% of the cases with disqualifying factors that they handled over the last 12 months involved multiple issues. While subgroup differences were not significant, they ranged from a low of 61% for Adjudicators to 66% for PSAB members to a high of 76% for Administrative Judges. When asked about the ease or difficulty of applying the guidelines to such cases, the total group’s mean response was that it was *easy*. Of these, 59% reported that it was *easy/very easy*, 37% reported that it was *neither easy nor difficult*, and only 5% reported applying multiple guidelines was *difficult/very difficult*. Although the subgroup differences were not significant, the mean ratings for the Administrative Judges and PSAB members indicated that they found the application of multiple guidelines slightly less easy to apply than did the Adjudicators.

As shown in Table E-1, there was no consensus as to how best to handle cases with multiple “borderline” issues. As shown, over one third of the respondents (37%) recommended that the Personal Conduct guideline be strengthened to cover multiple “borderline” issues, slightly less than one third (31%) recommended applying the individual guidelines, about 20% recommended developing a separate guideline, and about 10% recommended applying the Personal Conduct guideline as it currently exists. The differences in subgroup mean responses were not significant. Interestingly, however, about 40% of the Administrative Judges and PSAB members recommended applying the individual guidelines and slightly less than 40% of the Adjudicators recommended strengthening the Personal Conduct guideline.

TABLE E-1
Handling Multiple Issues by Subgroup and Total

<i>How should the guidelines address cases with multiple "borderline" issues?</i>	<i>Adjudicators %</i>	<i>Administrative Judges %</i>	<i>PSAB members %</i>	<i>Total %</i>
Apply Individual Guidelines	29%	40%	41%	31%
Apply Personal Conduct	9%	10%	11%	10%
Strengthen Personal Conduct	39%	30%	26%	37%
Develop Separate Guideline	21%	20%	19%	20%
Other	2%	0%	4%	2%

Special Expertise and Training in Application of Guidelines

A number of the guidelines deal with issues where professional expertise or additional training may be needed to help interpret case information and to inform adjudicative decisions. Therefore, the survey asked the following two questions:

- *Special Expertise. To what extent do you believe that Adjudicators at your grade and experience level need access to professionals with special expertise outside the adjudicative community (e.g., legal, medical, technology) in order to apply the Guidelines?* Response alternatives included: *Very great extent, great extent, moderate extent, slight extent, and not at all.*
- *Training. To what extent do you need additional training at your grade and experience level in applying the Guidelines?* Response alternatives were identical to those for the Special Expertise question.

Table E-2 presents responses to these two questions for the total group and for the three subgroups. As shown, 41% indicated that access to professionals with special expertise is needed to a *great* or *very great extent*, and another 37% indicated that it is needed to a *moderate extent*. Significant differences in the responses of subgroups were also found, indicating that PSAB members are less likely than are Adjudicators and Administrative Judges to report that they need access to special expertise; only 13% of the PSAB members, compared to 36% of Administrative Judges and 46% of Adjudicators, reported needing access to special expertise to a *great/very great extent*.

TABLE E-2
Need for Professional Expertise and Training by Subgroup and Total

	<i>Adjudicators</i> %	<i>Administrative</i> <i>Judges</i> %	<i>PSAB</i> <i>members</i> %	<i>Total</i> %
Special Expertise				
Great/Very Great Extent	46%	36%	13%	41%
Moderate	37%	55%	33%	37%
Slight Extent/Not at all	18%	9%	53%	21%
Training				
Great/Very Great Extent	33%	18%	11%	29%
Moderate	39%	46%	36%	39%
Slight Extent/Not at all	29%	36%	54%	33%

Training in applying the guidelines was reported as being needed to a *great/very great extent* by 29% and to a *moderate extent* by 39% of the respondents. Only the subgroup differences between Adjudicators and PSAB members were significant, with the PSAB members being less likely to report a need for additional training. This is evidenced by the fact that 11% of the PSAB members reported needing training to a *great/very great extent* compared with 33% of the Adjudicators.

Use of Resources in Applying the Guidelines

In addition to training in the application of the guidelines, there are a number of resources that inform adjudicative decisions. The survey attempted to ascertain which of these resources are being utilized and to what extent by asking, *To what extent do you use the following resources in applying the Guidelines?* Again, response alternatives ranged on a five-point scale from *very great extent* to *not at all*.

Respondents reported that they use the resources to varying degrees. The resources used to a *great/very great extent* by at least 57% of the respondents include Agency Policy Guidelines, 5200-2R, and DCID 6/4. Those resources used to a *great/very great extent* by 40% or less of the respondents include Blacks Law Dictionary and the DSM-IV. Between these extremes was the Adjudicative Desk Reference (ADR) which was used to a *great/very great extent* by 40% of the respondents. Significant subgroup differences in the use of these resources are summarized below:

- 5200-2R and DSM IV. Adjudicators and Administrative Judges utilize these resources to a greater extent than do PSAB members.
- DCID 6/4 and Blacks Law Dictionary. Adjudicators utilize these resources to a greater extent than do PSAB members. There were no significant differences between the Administrative Judges and other subgroups in the use of these resources.
- ADR. Adjudicators utilize this resource to a greater extent than do either Administrative Judges or PSAB members.

